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SECOND SESSION

1998

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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 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.

(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.

**Sec. 17. Speaker's Major Proposals.** The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a senator priority and approved by a vote of two-thirds of 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 and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

## D. Clerk of the Legislature

**Sec. 18. 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. 19. 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) 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 any amendment whose length is no more than ten pages shall be printed in the daily Journal. 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.

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

(h) 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) 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. 20. 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. 21. 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. 22. 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. 23. 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.

(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.

(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.

**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 which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(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 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.

(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.

**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.

(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. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated 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.

(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 as provided for in Rule 1, Section 17. 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. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all of the members elected to the Legislature vote not to read the bill and all amendments at large.

*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. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then be considered. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto. 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.

(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, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members, unless proposed as part of a committee amendment.

(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 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.

(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 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.

(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) One legislative day 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.** (a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate on the published agenda which bills will be considered for a vote without an at large reading. This vote shall be taken on each bill individually without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be taken with voting being held open for three minutes. If the motion on any bill fails to receive the support of three-fifths of the elected members of the Legislature, then such bill and all amendments thereto will be read at large prior to the vote being taken.

(b) At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(1) To recommit the bill to Enrollment and Review to correct an error and for reengrossment.

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

(3) 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.

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

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

## RULE 6

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

### FINAL READING

| | | Rule-Sec. |
|---|---|---|
| **To return to standing committee** | **MEM** | **6-8** |
| **To return to E & R to correct an error** | **MEM** | **6-8** |
| **To return to Select File for specific amendment** | **MEM** | **6-6** |
| **To pass on Final Reading** | **MEM** | **6-9** |
| **With emergency clause attached** | **2/3** | **6-10** |
| **Creation of state office** *Const. Art. IV, Sec. 27* | **2/3** | |
| **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 as provided for in Rule 1, Section 17. 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. 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 would be insufficient to change a result of the vote.

(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.

## MOTIONS

| Type of Motion | Vote Required | Rule-Sec. |
|---|---|---|
| **FINAL READING** | | |
| Adopt bill | 25 | 6-9 |
| Adopt bill with emergency clause | 33 | 6-10 |
| Override gubernatorial veto | 30 | 6-11 |
| Return to Select File for specific amendment | 25 | 6-8 |
| Return to standing committee | 25 | 6-8 |
| **GENERAL FILE** | | |
| Advance to E & R for review | 25 | 6-4 |
| Amendment to amendment | 25 | 6-3 |
| Amendment to bill | 25 | 6-3 |
| Indefinitely postpone | Simple Majority | |
| Return to committee | 25 | 6-3 |
| **SELECT FILE** | | |
| Adopt E & R amendment | 25 if requested | 6-5 |
| Advance to E & R for engrossing if machine vote requested | 25 | 2-1 |
| Amendment to amendment | 25 | 6-5 |
| Amendment to bill | 25 | 6-5 |
| Indefinitely postpone | 25 | 6-5 |
| **SPECIAL MOTIONS** | | |
| Adopt resolutions | Simple Majority unless otherwise requested | 4-5 |
| Call of the Legislature | Simple Majority | 7-5 |
| Cease debate | 25 | 7-4 |
| Change the Speaker's order of bills (Agenda) | 30 | 1-16 |
| Extension of legislative session | 40 | 7-1 |
| Introduce bill after ten day limitation | 30 | 5-4 |
| Motion to adjourn | Simple Majority | 7-9 |
| Overrule the chair | Majority of those present | 1-12 |
| Place bill held in committee on General File | 25 | 3-19 |
| Place bill on General File after indefinitely postponing by committee | 30 | 3-17 |
| Reconsideration | 25 | 7-7 |
| Final Reading | 30 | 7-7 |
| w/emergency clause | 33 | 7-7 |
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# CARRYOVER

# LEGISLATION

## Bill Titles, Resolutions, and Subject and Section Indexes Introduced in the Ninety-Fifth Legislature, First Session, 1997 and Pending Before the Ninety-Fifth Legislature, Second Session, 1998

**January 7, 1998**

03-01-10-98

# STATUS OF CARRYOVER

# BILLS

# AND

# RESOLUTIONS

**Introduced in the**
**Ninety-Fifth Legislature, First Session, 1997**
**and pending before the**
**Ninety-Fifth Legislature, Second Session, 1998**

**General File (205):** (249A) (104 - 02/21/97) (465 465A - 04/15/97) 131 LR19CA 127 82 LR6CA 649 649A 262 245 502 124 87 109 203 293 162 LR43CA 33 525 629 684 369 259 259A 192 712 782 782A 211 228 LR12CA LR55CA 321 409 427 521 447 855 872 376 234 350 260 260A 450 340 340A 120 45 148 848 356 518 252 299 656 656A 573 24 24A 583 583A LR1 LR14CA 207 760 780 633 633A 32 548 548A 834 360 361 591 726 768 204 373 580 504 421 767 776 LR15CA 65 146 375 544 578 679 560 562 290 627 732 371 415 700 281 801 300 309 320 603 603A 451 803 574 417 436 191 884 355 559 561 233 511 709 LR38CA 235 800 849 135 297 616 619 470 810 553 701 225 515 566 341 757 736 497 318 400 500 59 632 395 39 244 324 695 841 601 674 730 756 769 LR42CA 218 766 766A 227 392 536 648 584 683 329 14 125 125A 353 881 306 804 84 839 LR53 778 878 878A 419 499 522 846 302 870 186 301 490 LR16CA LR18CA 594 799 799A 423 540 394 539 711 843 714 777

**Select File (16):** (72 - 01/31/98) 132 160 LR25CA LR5CA 404 404A LR13CA 249 280 303 579 579A LR7CA 702 752A

**Final Reading (4):** (422) (512 512A - 06/05/97) (102e - 01/08/98)

**BILLS HELD BY COMMITTEES:**
**Agriculture (2):** 189 661

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**Banking, Commerce and Insurance (4):** 425 731 739 868

**Business and Labor (10):** 38 100 171 215 282 653 765 860 869 883

**Education (11):** 50 93 209 547 715 791 793 807 823 838 889

**Executive Board (2):** LR3 LR23CA

**General Affairs (1):** 534

**Government, Military and Veterans Affairs (19):** 64 177 178 237 449 483 607 620 621 638 678 805 820 LR28CA LR29CA LR41CA LR52CA LR58CA LR60CA

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**Legislative Program Evaluation (0).**

**Natural Resources (33):** 155 172 208 313 316 334 416 428 473 501 516 549 552 571 585 602 654 655 664 667 682 699 703 704 705 707 718 744 819 830 866 867 LR54

**Nebraska Retirement Systems (8):** 337 365 459 532 650 796 822 840

**Revenue (11):** 20 176 181 198 276 296 492 496 668 LR45CA LR62CA

**Transportation (13):** 42 74 231 239 286 494 556 565 640 694 792 LR31CA LR44CA

**Urban Affairs (12):** 319 481 487 611 637 651 708 763 825 826 836 876

**Resolutions Reported for Further Consideration (2):** LR37 LR108

## TITLES TO BILLS

**LEGISLATIVE BILL 14.** Introduced by Warner, 25; Withem, 14.

A BILL FOR AN ACT relating to state constitutional officers; to amend sections 75-104, 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska; to change the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and members of the Public Service Commission; and to repeal the original sections.

**LEGISLATIVE BILL 20.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3504, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Supplement, 1996; to authorize property tax work-off programs; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 24.** Introduced by Maurstad, 30; Bromm, 23; Brown, 6; Coordsen, 32; Engel, 17; Hudkins, 21; Jensen, 20; Jones, 43; Stuhr, 24; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to income taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an adjustment for amounts paid for insurance by self-employed individuals; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 24A.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 24, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 27.** Introduced by Maurstad, 30; Hilgert, 7; Brown, 6; Chambers, 11; Crosby, 29; Dierks, 40; Engel, 17; Hudkins, 21; Jones, 43; Lynch, 13; Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for developmental disabilities.

**LEGISLATIVE BILL 32.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to employment security; to amend section 48-652, Revised Statutes Supplement, 1996; to change provisions relating to experience accounts; and to repeal the original section.

**LEGISLATIVE BILL 33.** Introduced by Vrtiska, 1; Cudaback, 36.

A BILL FOR AN ACT relating to counties; to amend sections 23-1517.02 and 84-712.01, Reissue Revised Statutes of Nebraska; to eliminate a requirement to maintain printouts of computer records; to eliminate a population restriction on modem-access fees for public records; and to repeal the original sections.

**LEGISLATIVE BILL 38.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 1996; to harmonize a reference; to redefine a term; to eliminate a waiver; and to repeal the original section.

**LEGISLATIVE BILL 39.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,210, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 41.** 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 42.** Introduced by Coordsen, 32; Kristensen, 37.

A BILL FOR AN ACT relating to digital signatures; to provide procedures for use of digital signatures.

**LEGISLATIVE BILL 45.** Introduced by Robinson, 16; Lynch, 13.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-177, Reissue Revised Statutes of Nebraska; to change provisions relating to the location of licensed premises; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 48.** Introduced by Stuhr, 24; Bromm, 23; Hudkins, 21 Witek, 31.

A BILL FOR AN ACT relating to undercover agents; to authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies; to eliminate a prohibition on inmates, parolees, and probationers being undercover agents or employees of law enforcement agencies and the admissibility of certain evidence; and to outright repeal section 29-2262.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 50.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-214, Reissue Revised Statutes of Nebraska; to change provisions relating to kindergarten entrance; and to repeal the original section.

**LEGISLATIVE BILL 59.** 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 60.** Introduced by Wehrbein, 2.

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

**LEGISLATIVE BILL 63.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1996; to eliminate provisions relating to completed transfers; and to repeal the original section.

**LEGISLATIVE BILL 64.** Introduced by Robinson, 16; Cudaback, 36; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 32-404, 32-606, 32-810, 32-811, 32-814 to 32-816, 32-941, 32-945, 32-1029, 32-1201, and 32-1203, Revised Statutes Supplement, 1996; to change provisions relating to payment of costs of school district bond elections, election of county weed district board members, rotation of names on ballots, absentee ballot applications, and county canvassing boards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 65.** Introduced by Schrock, 38; Crosby, 29; Engel, 17; Jensen, 20; Suttle, 10.

A BILL FOR AN ACT relating to tobacco; to prohibit certain advertising practices; and to create a civil penalty.

**LEGISLATIVE BILL 72.** Introduced by Cudaback, 36; Lynch, 13; Schrock, 38.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.14, Reissue Revised Statutes of Nebraska; to change provisions relating to license plates issued to handicapped or disabled persons; to provide for other such issuances as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 74.** Introduced by Brashear, 4; Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.22 and 60-311.23, Revised Statutes Supplement, 1996; to change provisions relating to Nebraska Cornhusker Spirit Plates; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 82.** Introduced by Bohlke, 33; Crosby, 29.

A BILL FOR AN ACT relating to the State of Nebraska; to designate the Platte River as the official state river.

**LEGISLATIVE BILL 83.** Introduced by Robak, 22; Chambers, 11; Hillman, 48.

A BILL FOR AN ACT relating to insurance; to require coverage for serious mental illnesses.

**LEGISLATIVE BILL 84.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to property tax; to amend section 77-201, Reissue Revised Statutes of Nebraska; to provide the manner of taxing replacement tangible personal property; and to repeal the original section.

**LEGISLATIVE BILL 87.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to corrections; to amend section 83-186, Reissue Revised Statutes of Nebraska; to change provisions related to visitation of inmates; and to repeal the original section.

**LEGISLATIVE BILL 92.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2048.01, Reissue Revised Statutes of Nebraska; to change provisions relating to clinical privileges; and to repeal the original section.

**LEGISLATIVE BILL 93.** Introduced by Robak, 22; Bromm, 23; Cudaback, 36; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1015, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to calculation of the local effort rate; and to repeal the original sections.

**LEGISLATIVE BILL 95.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to libraries; to state findings; and to state intent relating to appropriations.

**LEGISLATIVE BILL 100.** Introduced by Will, 8; Chambers, 11.

A BILL FOR AN ACT relating to newspapers; to amend section 48-115, Revised Statutes Supplement, 1996; to include newspaper carriers as employees for purposes of workers' compensation; and to repeal the original section.

**LEGISLATIVE BILL 102.** Introduced by Coordsen, 32; Bromm, 23; Chambers, 11; Engel, 17; Kristensen, 37; McKenzie, 34; Dw. Pedersen, 39; Vrtiska, 1; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to state buildings; to amend section 81-1108.21, Revised Statutes Supplement, 1996; to change provisions relating to allocation of space; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 104.** Introduced by Abboud, 12; Jensen, 20; Lynch, 13; Dw. Pedersen, 39; Suttle, 10.

A BILL FOR AN ACT relating to 911 service; to amend section 86-1003, Reissue Revised Statutes of Nebraska; to eliminate a restriction on an

additional amount of service surcharge; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 109.** Introduced by Brown, 6; Hilgert, 7; Kiel, 9.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-422, 29-424, and 29-428, Reissue Revised Statutes of Nebraska; to authorize the issuance of citations in lieu of arrest by certain fire, health, and safety officials and inspectors; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 120.** Introduced by Janssen, 15; Schellpeper, 18.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-178.01, Reissue Revised Statutes of Nebraska; to change provisions relating to sales to persons within a motor vehicle; and to repeal the original section.

**LEGISLATIVE BILL 124.** Introduced by Lynch, 13; Hartnett, 45; Hilgert, 7; Preister, 5; Schimek, 27.

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.

**LEGISLATIVE BILL 125.** Introduced by Brown, 6; Bromm, 23; Bruning, 3; Engel, 17; Hartnett, 45; Hudkins, 21; Jensen, 20; Jones, 43; Kiel, 9; Lynch, 13; Maurstad, 30; Dw. Pedersen, 39; Robak, 22; Robinson, 16; Schmitt, 41; Stuhr, 24; Vrtiska, 1; Wehrbein, 2; Will, 8.

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, 1996; to provide an exemption from certain standards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 125A.** Introduced by Brown, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 125, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 127.** 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; and to repeal the original section.

**LEGISLATIVE BILL 131.** Introduced by Bromm, 23; Crosby, 29; Schimek, 27.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1401, Revised Statutes Supplement, 1996; to prohibit campaign contributions during legislative sessions as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 132.** Introduced by Bohlke, 33.

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, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 134.** 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 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 to 76-820.01, 76-823 to 76-888, 76-890, and 76-891.01 to 76-894, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 135.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2020, Revised Statutes Supplement, 1996; to change provisions relating to rates and charges; and to repeal the original section.

**LEGISLATIVE BILL 146.** Introduced by Schmitt, 41; Dierks, 40.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-147 and 71-148, Reissue Revised Statutes of Nebraska; to authorize certain medical care; and to repeal the original sections.

**LEGISLATIVE BILL 148.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Lottery and Raffle Act; to amend sections 9-413 and 9-430, Reissue Revised Statutes of Nebraska, and sections 9-401, 9-404, 9-407, 9-411, and 9-415, Revised Statutes Supplement, 1996; to authorize alternative games of chance; to define and redefine terms; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 155.** Introduced by Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-101, Revised Statutes Supplement, 1996; to redefine a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 160.** Introduced by Hudkins, 21; Jones, 43; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-506, Revised Statutes Supplement, 1996; to change notice requirements for villages; and to repeal the original section.

**LEGISLATIVE BILL 162.** Introduced by Schmitt, 41; Chambers, 11.

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

**LEGISLATIVE BILL 164.** Introduced by Wehrbein, 2; Stuhr, 24; Coordsen, 32; Bromm, 23; Jones, 43; Hillman, 48; Warner, 25; Vrtiska, 1; Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for salaries for cooperative extension educators and assistants.

**LEGISLATIVE BILL 171.** Introduced by Landis, 46; Warner, 25.

A BILL FOR AN ACT relating to discrimination; to amend sections 13-1102, 20-113, 20-139 to 20-141, 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 combine and eliminate sections; to eliminate obsolete language; to redefine a penalty; 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 BILL 172.** Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Elmer, 44; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-202, 37-202.01, 37-203, 37-204.01 to 37-205, 37-207, 37-1101 to 37-1103, 37-1105, 37-1107.01 to 37-1114, and 37-1228, Reissue Revised Statutes of Nebraska, and sections 37-202.02, 37-202.03, 37-204, 37-206, 37-213, 37-216.01, 37-216.02, 37-216.05 to 37-216.07, 37-1214, and 37-1226, Revised Statutes Supplement, 1996; to change provisions relating to the expiration of permits and stamps; to provide for electronic issuance of licenses, permits, stamps, and motorboat registration renewals; to provide fees; to change procedures on the issuance and display of licenses, permits, and stamps; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 176.** Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Landis, 46; Wickersham, 49; Will, 8; Schellpeper, 18.

A BILL FOR AN ACT relating to government; to amend section 13-807, Reissue Revised Statutes of Nebraska, and sections 13-318, 13-322, 13-326, and 13-804, Revised Statutes Supplement, 1996; to authorize a uniform or common levy for fire protection; to change provisions relating to joint financing and operation of services by counties and municipalities, provisions relating to public agency powers and contractual authority, and election procedures; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 177.** Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Landis, 46; Wickersham, 49; Will, 8; Schellpeper, 18; Hartnett, 45.

A BILL FOR AN ACT relating to local government; to amend sections 10-127, 10-131, 10-133, 10-142, and 74-1305, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-2202, 23-2306, 23-2323.03, 23-2331, 32-101, and 32-567, Revised Statutes Supplement, 1996; to authorize creation of county-municipal service districts and unified local governments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 178.** Introduced by Wickersham, 49; Coordsen, 32; Kristensen, 37; Warner, 25; Will, 8; Schellpeper, 18; Hartnett, 45.

A BILL FOR AN ACT relating to local government; to provide for consolidation of counties and municipalities and creation of classified local governments.

**LEGISLATIVE BILL 181.** Introduced by Wickersham, 49; Coordsen, 32; Landis, 46; Warner, 25; Will, 8.

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 186.** Introduced by McKenzie, 34; Witek, 31.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-20,103, 71-20,105, 71-20,107, and 71-7518.04, Reissue Revised Statutes of Nebraska, and section 84-1409, Revised Statutes Supplement, 1996; to eliminate the act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-5801 to 71-5826, 71-5828 to 71-5832.01, 71-5833 to 71-5838, 71-5840, 71-5841, 71-5846, 71-5848 to 71-5849, 71-5851 to 71-5855, 71-5857, 71-5859 to 71-5859.04, 71-5865, 71-5866, and 71-5868 to 71-5870, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 189.** Introduced by Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3801, 2-3803, and 2-3808, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Host Farm and Ranch Act; to provide powers for the Department of Agriculture; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 191.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to veterinarians; to amend section 71-1,153, Reissue Revised Statutes of Nebraska; to create a veterinarian-client privilege; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 192.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to tractor tests; to amend sections 2-2702, 2-2703, and 2-2707 to 2-2709, Reissue Revised Statutes of Nebraska, and sections 2-2701.01 and 2-2705, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to the testing and sale of current tractor models; to change a permit fee; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-2701, 2-2701.02, 2-2703.01, 2-2706, 2-2710, and 2-2711, Reissue Revised Statutes of Nebraska, and section 2-2705.01, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 198.** Introduced by Warner, 25; Coordsen, 32.

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 203.** Introduced by Abboud, 12; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to sex offenders; to amend section 29-4007, Revised Statutes Supplement, 1996; to eliminate a duty for sheriffs; and to repeal the original section.

**LEGISLATIVE BILL 204.** Introduced by Abboud, 12; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to sex offenders; to amend sections 29-4009 and 29-4013, Revised Statutes Supplement, 1996; to provide for community notification of certain records; to provide duties for the Attorney General; to create an advisory council; and to repeal the original sections.

**LEGISLATIVE BILL 207.** Introduced by Witek, 31; Crosby, 29; Dierks, 40; Hilgert, 7; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24; Warner, 25; Schimek, 27.

A BILL FOR AN ACT relating to grandparent visitation; to amend section 43-1801, Reissue Revised Nebraska; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 208.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to environmental audits; to define terms; to provide for mitigation or waiver of penalties; and to require a study.

**LEGISLATIVE BILL 209.** Introduced by Wickersham, 49; Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1018, Reissue Revised Statutes of Nebraska; to change provisions relating to other actual receipts; and to repeal the original section.

**LEGISLATIVE BILL 211.** Introduced by Dierks, 40; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to require reports of ownership of real estate involved in farming or ranching and farming or ranching activities; to provide powers and duties for the Secretary of State; and to provide for dissolution for failure to comply.

**LEGISLATIVE BILL 213.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for vocational rehabilitation.

**LEGISLATIVE BILL 214.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

**LEGISLATIVE BILL 215.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide record confidentiality; and to repeal the original section.

**LEGISLATIVE BILL 218.** Introduced by Maurstad, 30; Brown, 6.

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 219.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-20,103, 71-20,105, 71-20,107, and 71-7518.04, Reissue Revised Statutes of Nebraska, and section 84-1409, Revised Statutes Supplement, 1996; to eliminate the act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-5801 to 71-5826, 71-5828 to 71-5832.01, 71-5833 to 71-5838, 71-5840, 71-5841, 71-5846, 71-5848 to 71-5849, 71-5851 to 71-5855, 71-5857, 71-5859 to 71-5859.04, 71-5865, 71-5866, and 71-5868 to 71-5870, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 225.** Introduced by Hilgert, 7; Lynch, 13; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to employment security; to amend section 48-624 and 48-669, Revised Statutes Supplement, 1996; 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 227.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to proceedings in forma pauperis; to amend sections 25-2301 to 25-2307, 25-2309, and 25-2310, Reissue Revised Statutes of Nebraska; to define terms; to provide procedures for objections to applications; to provide for a time to proceed upon payment; to restate and rearrange current law; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal section 25-2308, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 228.** Introduced by Robinson, 16; Coordsen, 32; Dierks, 40; Kristensen, 37; Schellpeper, 18; Schimek, 27; Warner, 25; Withem, 14.

A BILL FOR AN ACT relating to elections; to amend section 32-1546, Revised Statutes Supplement, 1996; to provide a penalty for destroying a petition as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 231.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.03, 60-311.04, 60-311.08, 60-311.09, and 60-311.13, Reissue Revised Statutes of Nebraska, and section 60-301, Revised Statutes Supplement, 1996; to provide for special interest license plates; to change provisions relating to

veterans license plates; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 233.** Introduced by Brashear, 4.

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

**LEGISLATIVE BILL 234.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-320, 25-702, and 25-21,180, Reissue Revised Statutes of Nebraska; to change provisions relating to joinder; and to repeal the original sections.

**LEGISLATIVE BILL 235.** 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 the amount recoverable under the act; and to repeal the original section.

**LEGISLATIVE BILL 237.** Introduced by Hudkins, 21; Bromm, 23; Dierks, 40; Elmer, 44; Schrock, 38.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-403 and 3-406, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of structures; and to repeal the original sections.

**LEGISLATIVE BILL 239.** Introduced by Crosby, 29; Dierks, 40; Hudkins, 21; Jensen, 20; Jones, 43; Preister, 5; Schrock, 38; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 37-1254.01, 37-1254.02, and 60-6,196, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 1996; to reduce the blood-alcohol concentration limits; and to repeal the original sections.

**LEGISLATIVE BILL 241.** Introduced by Hilgert, 7; Tyson, 19; Will, 8.

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 243.** 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 244.** Introduced by Hilgert, 7; Bromm, 23; Will, 8.

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 245.** Introduced by Hilgert, 7; Will, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide employment duties for employers of injured employees; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 249.** Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; 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, 53-132 to 53-134, 53-134.03, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-122, 53-129, and 53-131, Revised Statutes Supplement, 1996; to change provisions relating to issuance of liquor licenses; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 249A.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 249, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

**LEGISLATIVE BILL 252.** Introduced by Janssen, 15; Bromm, 23.

A BILL FOR AN ACT relating to law enforcement; to provide for reimbursement of training costs for law enforcement officers; and to provide an operative date.

**LEGISLATIVE BILL 259.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health and human services; to amend section 71-1,132.30, Reissue Revised Statutes of Nebraska; to adopt the Centers for Independent Living Act and the Personal Care Assistance Services Act; to change provisions relating to performance of health maintenance activities by a designated caregiver; and to repeal the original section.

**LEGISLATIVE BILL 259A.** 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 259, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 260.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to design professions; to amend sections 2-3256, 21-2205, 39-1603, 39-2306, 46-701, 71-1564, 71-2601, 71-5305, 71-5311, 71-5832.01, 72-1237.01, 76-846, 76-881, 76-894, 81-502.01, 81-513, 81-8,126, 81-8,206, 81-1201.08, 81-1609, and 81-2103, Reissue Revised Statutes of Nebraska, and sections 23-1901, 33-150, 81-1108.43, 81-1504, and 81-15,155, Revised Statutes Supplement, 1996; to adopt the Engineers and Architects Regulation Act; to eliminate provisions relating to regulation of engineers and architects; to harmonize provisions; to provide an operative date;

to provide severability; to repeal the original sections; and to outright repeal sections 81-839 to 81-856, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 260A.** 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 260, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 262.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to pesticides; to amend section 2-2645, Revised Statutes Supplement, 1996; to change damage report provisions; and to repeal the original section.

**LEGISLATIVE BILL 265.** Introduced by Brown, 6; Cudaback, 36; Jensen, 20; Lynch, 13; Maurstad, 30; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-2608, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1996; to prohibit acts relating to stolen motor vehicles and major component parts; to create a presumption; to authorize inspections; to define terms; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 266.** Introduced by Brown, 6; Dw. Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to DNA analysis; to provide for confidentiality and ownership of analysis results; and to provide a penalty.

**LEGISLATIVE BILL 276.** Introduced by Landis, 46; Hartnett, 45; Preister, 5; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide an income tax credit for earned income; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 280.** Introduced by Jensen, 20; Bromm, 23; Bruning, 3; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Hartnett, 45; Hilgert, 7; Hudkins, 21; Janssen, 15; Jones, 43; Kristensen, 37; Matzke, 47; Maurstad, 30; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Preister, 5; Robak, 22; Schellpeper, 18; Schmitt, 41; Schrock, 38; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Witek, 31; Brashear, 4.

A BILL FOR AN ACT relating to marriage; to amend sections 42-101, 42-103, and 42-117, Reissue Revised Statutes of Nebraska; to prohibit same sex marriages; and to repeal the original sections.

**LEGISLATIVE BILL 281.** Introduced by Dw. Pedersen, 39; Bruning, 3; Hartnett, 45; Kiel, 9; Matzke, 47; Schmitt, 41; Stuhr, 24; Tyson, 19; Withem, 14.

A BILL FOR AN ACT relating to fees and costs; to amend section 33-117, Revised Statutes Supplement, 1996; to change fees for service of process; and to repeal the original section.

**LEGISLATIVE BILL 282.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1996; to change benefit conditions; and to repeal the original section.

**LEGISLATIVE BILL 283.** Introduced by Withem, 14; Jensen, 20; D. Pederson, 42.

A BILL FOR AN ACT relating to personal property; to amend sections 69-204 and 69-208, Reissue Revised Statutes of Nebraska; to change provisions relating to pawnbrokers and junk dealers; and to repeal the original sections.

**LEGISLATIVE BILL 286.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to adopt the Digital Signature Act.

**LEGISLATIVE BILL 290.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-516, Reissue Revised Statutes of Nebraska; to change a penalty for unauthorized use of a propelled vehicle; and to repeal the original section.

**LEGISLATIVE BILL 291.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to gang-related crime; to amend sections 28-105 and 28-109, Reissue Revised Statutes of Nebraska; to change certain penalties; and to repeal the original sections.

**LEGISLATIVE BILL 293.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-904, Reissue Revised Statutes of Nebraska; to change provisions relating to resisting arrest; and to repeal the original section.

**LEGISLATIVE BILL 296.** Introduced by Robak, 22; Lynch, 13; Schimek, 27; Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an income tax adjustment for federal governmental pensions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 297.** Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to motor fuel; to amend section 66-1225, Reissue Revised Statutes of Nebraska; to establish a standard for gasoline sold

in Nebraska; to provide exceptions to the standard; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 299.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to handicapped parking infractions; to amend section 18-1741.01, Revised Statutes Supplement, 1996; to provide for agreements for enforcement of handicapped parking provisions; and to repeal the original section.

**LEGISLATIVE BILL 300.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.14, Reissue Revised Statutes of Nebraska; to change provisions relating to license plates issued to handicapped or disabled persons; and to repeal the original section.

**LEGISLATIVE BILL 301.** Introduced by Withem, 14; Brown, 6; Hillman, 48; Janssen, 15; Dw. Pedersen, 39; C. Peterson, 35; Suttle, 10.

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 change provisions relating to guardians ad litem; to provide duties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 302.** Introduced by Brashear, 4; Abboud, 12; Beutler, 28; Bromm, 23; Bruning, 3; Hilgert, 7; Kristensen, 37; Matzke, 47; D. Pederson, 42; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to trademarks and trade names; to amend section 28-601, Reissue Revised Statutes of Nebraska; to adopt the Counterfeiting Prevention and Trademark Protection Act; to provide penalties; to redefine a term; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 303.** Introduced by Hartnett, 45; Brown, 6; Jensen, 20.

A BILL FOR AN ACT relating to the Nebraska Educational Finance Authority Act; to amend section 85-1707, Revised Statutes Supplement, 1996; to redefine a term; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 306.** Introduced by Warner, 25; Schellpeper, 18.

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 309.** Introduced by Transportation Committee: Kristensen, 37, Chairperson; Bruning, 3; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16; and Crosby, 29.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 28-106, 28-431, 37-1254.06, 60-4,110, 60-6,196, 60-6,202, and

60-6,206, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-4,118, 60-4,131, and 60-6,197, Revised Statutes Supplement, 1996; to change provisions relating to penalties, operator's license suspension, revocation, or impoundment, and motor vehicle impoundment; to provide for a hearing; to eliminate provisions allowing for the reduction of a license revocation term; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,209, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 313.** Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Elmer, 44; McKenzie, 34; Schrock, 38.

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, 1996; 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 316.** Introduced by Matzke, 47.

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1270, Reissue Revised Statutes of Nebraska, and section 37-1291, Revised Statutes Supplement, 1996; to prohibit the operation of motorboats and personal watercraft by persons under sixteen years of age; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 318.** Introduced by Bromm, 23; Preister, 5.

A BILL FOR AN ACT relating to natural gas regulation; to amend sections 19-4603, 19-4603.01, and 19-4605, Reissue Revised Statutes of Nebraska, and sections 19-4602, 19-4604, and 19-4622, Revised Statutes Supplement, 1996; to define and redefine terms; to change provisions relating to regulation of rates and enforcement of the regulation; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 319.** 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 320.** Introduced by Bohlke, 33; Crosby, 29; Engel, 17; Kristensen, 37.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-480, 60-4,123, and 60-4,125, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-4,112, and 60-4,118, Revised Statutes Supplement, 1996; to provide for provisional operator's permits; to change provisions relating to learner's permits; to provide penalties; to require a driver improvement course for minors as prescribed; to provide for waiver of

examinations as prescribed; to harmonize provisions; to provide severability; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 321.** Introduced by Schimek, 27; Beutler, 28; Brashear, 4.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1401 and 49-1463.01, Revised Statutes Supplement, 1996; to require reports of late expenditures as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 323.** Introduced by Wesely, 26; Beutler, 28; Bromm, 23; Brown, 6; Crosby, 29; Cudaback, 36; Engel, 17; Hilgert, 7; Hudkins, 21; Jensen, 20; Jones, 43; McKenzie, 34; Dw. Pedersen, 39; Preister, 5; Robak, 22; Schimek, 27; Schmitt, 41; Schrock, 38; Suttle, 10; Will, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105, 28-317, 28-318, and 47-603, Reissue Revised Statutes of Nebraska; to adopt the Sexual Predator Act; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 324.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-320, Reissue Revised Statutes of Nebraska; to change a penalty for sexual assault in the third degree; and to repeal the original section.

**LEGISLATIVE BILL 329.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska; to state findings; to authorize loans as provided; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 331.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 27-609, 27-803, 28-104, 28-105, 28-201, 28-202, 28-303, 29-742, 29-744, 29-1822, 29-2005, 29-2006, 29-2020, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, and 55-480, Reissue Revised Statutes of Nebraska; to change a penalty from death to maximum of life imprisonment without possibility of parole; to provide for restitution and standards for sentencing; to harmonize provisions; to eliminate capital punishment provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 334.** Introduced by Matzke, 47; Elmer, 44; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend section 57-905, Reissue Revised Statutes of Nebraska;

to authorize contracts for appraisals of oil and gas interests; and to repeal the original section.

**LEGISLATIVE BILL 337.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend sections 84-1308, 84-1311, and 84-1331, Revised Statutes Supplement, 1996; to change provisions relating to investments and contributions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 340.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to mentally ill persons; to amend section 68-1006.01, Reissue Revised Statutes of Nebraska; to change provisions relating to a personal needs allowance; and to repeal the original section.

**LEGISLATIVE BILL 340A.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 340, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 341.** Introduced by Crosby, 29; Lynch, 13; Dw. Pedersen, 39; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to blind persons; to amend section 72-1237.01, Reissue Revised Statutes of Nebraska, and sections 83-210.01 to 83-210.03, and 83-211 to 83-211.02, Revised Statutes Supplement, 1996; to adopt the Commission for the Blind and Visually Impaired Act; to eliminate provisions relating to the Department of Health and Human Services; to harmonize a provision; to provide an operative date; to repeal the original sections; to outright repeal sections 83-210.04 to 83-210.07 and 83-212, Revised Statutes Supplement, 1996; and to declare an emergency.

**LEGISLATIVE BILL 349.** Introduced by Bohlke, 33; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for state aid to public school districts.

**LEGISLATIVE BILL 350.** Introduced by Robak, 22; Bruning, 3; Engel, 17; Janssen, 15; Jensen, 20; Jones, 43; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Schellpeper, 18; Schmitt, 41; Schrock, 38; Tyson, 19; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to firearm ranges; to define terms; and to provide for owner liability and immunity as prescribed.

**LEGISLATIVE BILL 353.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,108, Reissue Revised Statutes of Nebraska; to authorize municipalities to apply the Nebraska Rules of the Road as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 355.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-104, 29-827, 29-2317, 29-2319, and 29-3602, Reissue Revised Statutes of Nebraska; to allow city attorneys in cities of the primary class to appeal from preliminary rulings in criminal cases and to seek approval for pretrial diversion programs from the city council; and to repeal the original sections.

**LEGISLATIVE BILL 356.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreation; to amend section 37-1501, Reissue Revised Statutes of Nebraska; to eliminate a termination date; to harmonize provisions; to repeal the original section; and to outright repeal section 37-1509, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 358.** Introduced by Jensen, 20; Engel, 17.

A BILL FOR AN ACT relating to grandparent visitation; to amend sections 43-1801 and 43-1802, Reissue Revised Statutes of Nebraska, and section 43-1803, Revised Statutes Supplement, 1996; to state intent; to change conditions for the action; to provide for mediation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 360.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,101, Revised Statutes Supplement, 1996; to prohibit the use of public property and personnel for campaigning; and to repeal the original section.

**LEGISLATIVE BILL 361.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,126, Reissue Revised Statutes of Nebraska; to change a civil penalty; and to repeal the original section.

**LEGISLATIVE BILL 365.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2014.01, Revised Statutes Supplement, 1996; to provide a cost-of-living adjustment to retirees; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 369.** Introduced by Schrock, 38; Coordsen, 32; Dierks, 40; Elmer, 44; Engel, 17; Hilgert, 7; Hudkins, 21; Jones, 43; Preister, 5; Schmitt, 41; Stuhr, 24 Wickersham, 49; Wehrbein, 2; Bruning, 3.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133 to 71-1,135.02 and 71-1,135.04, Reissue Revised Statutes of Nebraska; to redefine the practice of optometry; to change examination requirements; to redefine pharmaceutical agents; to provide for education regarding glaucoma; to change provisions relating to educational requirements; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 371.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-160, Reissue Revised Statutes of Nebraska, and section 53-103, Revised Statutes Supplement, 1996; to provide for a gallonage tax on cider; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 373.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-405, Revised Statutes Supplement, 1996; to change the schedule of controlled substances; and to repeal the original section.

**LEGISLATIVE BILL 375.** Introduced by Preister, 5; Dierks, 40; Hartnett, 45; Jensen, 20; Matzke, 47; Robinson, 16.

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

**LEGISLATIVE BILL 376.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend section 23-175, Revised Statutes Supplement, 1996; to change provisions relating to liability insurance procurement; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 383.** Introduced by Schimek, 27; Bohlke, 33; Crosby, 29.

A BILL FOR AN ACT relating to charitable solicitation; to adopt the Charitable Solicitation Registration Act; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 390.** Introduced by Jensen, 20; Bromm, 23.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2528, 29-3001, 29-3002, 29-3003, and 29-3004, Reissue Revised Statutes of Nebraska; to change provisions relating to capital cases and postconviction proceedings; and to repeal the original sections.

**LEGISLATIVE BILL 391.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-416 and 29-433, Reissue Revised Statutes of Nebraska; to provide penalties for minors in possession of marijuana; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 392.** Introduced by Hillman, 48; Bromm, 23; Engel, 17; Robak, 22; Suttle, 10.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-251, 43-255, and 43-256, Reissue Revised Statutes of Nebraska, and sections 43-245, 43-250, and 43-253, Revised Statutes Supplement, 1996; to change provisions relating to temporary custody and detention or placement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 394.** Introduced by Hillman, 48; Engel, 17; Schellpeper, 18; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to the state colleges; to state intent; to provide funds for capital improvements as prescribed; and to create a fund.

**LEGISLATIVE BILL 395.** Introduced by Kristensen, 37; Bromm, 23.

A BILL FOR AN ACT relating to environmental audits; to state intent; to define terms; to provide for confidentiality; to provide exceptions; to provide for access; to provide penalties; to provide applicability; to provide for jurisdiction; and to provide a termination date.

**LEGISLATIVE BILL 400.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Supplement, 1996; to exclude job application materials from public record requirements; and to repeal the original section.

**LEGISLATIVE BILL 404.** Introduced by Dw. Pedersen, 39; Will, 8; Witek, 31.

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 404A.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 404, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

**LEGISLATIVE BILL 405.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2204, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Supplement, 1996; to change and provide provisions relating to indeterminate sentences; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 409.** Introduced by Warner, 25; Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2703, Reissue Revised Statutes of Nebraska; to authorize issuance and use of direct payment permits for sales and use tax; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 415.** Introduced by Warner, 25; Coordsen, 32; Hartnett, 45.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101, 18-2147, and 77-27,144, Reissue Revised Statutes of Nebraska; to provide for distribution of local option sales tax collected in community redevelopment areas; to require approval of division of ad valorem

tax; to provide procedures for approval; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 416.** Introduced by Elmer, 44.

A BILL FOR AN ACT relating to water wells; to amend sections 46-235.04, 46-637, Reissue Revised Statutes of Nebraska, and sections 46-235.04, 46-602, 46-1204.01, and 46-1207.01, Revised Statutes Supplement, 1996; to change provisions relating to registration of water wells; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 417.** Introduced by Elmer, 38.

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 419.** Introduced by Hartnett, 45; Bohlke, 33; Stuhr, 24.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1202 to 79-1204, 79-1209, and 79-1210, Reissue Revised Statutes of Nebraska; to provide for reorganization; to change provisions relating to role and mission; to repeal the original sections; and to outright repeal section 79-1216, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 421.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-14,124 and 49-14,125, Reissue Revised Statutes of Nebraska; to provide and change enforcement powers of the Nebraska Accountability and Disclosure Commission; and to repeal the original sections.

**LEGISLATIVE BILL 422.** Introduced by Matzke, 47; Bromm, 23; Bruning, 3; at the request of the Governor.

A BILL FOR AN ACT relating to sentencing; to amend sections 28-105.01 and 29-2523, Reissue Revised Statutes of Nebraska; to prohibit the imposition of the death penalty on persons who are mentally retarded as prescribed; to change the definition of aggravating circumstances; and to repeal the original sections.

**LEGISLATIVE BILL 423.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to child support; to amend sections 42-364.13 and 42-369, Reissue Revised Statutes of Nebraska; to provide for retroactive modification; and to repeal the original sections.

**LEGISLATIVE BILL 425.** Introduced by Banking, Commerce and Insurance Committee: Landis, 46, Chairperson; Brashear, 4; Jensen, 20; Jones, 43; Schmitt, 41; Wesely, 26;.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-113, 8-114, 8-115, 8-116, 8-121, 8-124, 8-128, 8-129, 8-132, 8-169, 8-185,

8-187, 8-190, 8-193, 8-197, 8-198, 8-1,102, 8-1,103, 8-1,104, 8-1,116, 8-1,119, 8-1,120, 8-1602, and 8-1603, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-122, 8-126, 8-143.01, 8-206, 8-909, 8-910, and 21-2028, Revised Statutes Supplement, 1996; to define terms; to provide for charters for savings banks; to provide for asset tests; to provide for notice, requalification, or conversion for failure to meet asset tests; to provide for a mutual form of corporate organization; to provide for savings bank investments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 427.** 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; and to repeal the original section.

**LEGISLATIVE BILL 428.** Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to energy; to create the Biopower Steering Committee; to provide powers and duties; and to create a fund.

**LEGISLATIVE BILL 436.** Introduced by Brown, 6.

A BILL FOR AN ACT relating to insurance; to require policies providing fire or weather-related coverage to pay governmental demolition liens and other obligations out of loss payments.

**LEGISLATIVE BILL 438.** Introduced by Brown, 6.

A BILL FOR AN ACT relating to compulsory attendance; to amend sections 79-201 and 79-208 to 79-210, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-479, and 60-4,115, Revised Statutes Supplement, 1996; to change provisions relating to truancy; to provide duties; to change provisions relating to and to provide for denial of eligibility for motor vehicle operator's licenses and permits as prescribed; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 439.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1996; to adopt the Street Gang Recision Act; to provide penalties; and to repeal the original section.

**LEGISLATIVE BILL 442.** Introduced by Abboud, 12; Hilgert, 7.

A BILL FOR AN ACT relating to product liability; to amend section 25-21,181, Reissue Revised Statutes of Nebraska; to change provisions relating to strict liability; and to repeal the original section.

**LEGISLATIVE BILL 447.** Introduced by Will, 8; Bruning, 3; Hilgert, 7; Robak, 22.

A BILL FOR AN ACT relating to fire and ambulance service; to amend sections 13-303 and 35-514.02, Revised Statutes Supplement, 1996; to change

provisions relating to contracts; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 449.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Construction Lien Act; to amend section 52-125, Reissue Revised Statutes of Nebraska; to provide duties for prime contractors, primary lenders, and mortgagees; to provide penalties; to eliminate obsolete lien provisions; to harmonize provisions; to repeal the original section; and to outright repeal section 52-158, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 450.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health care; to amend sections 71-2017.01, 71-5805.01, 71-5814, and 71-5870, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates of need; to redefine terms; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 451.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to developmental disabilities; to amend sections 83-1201 and 83-1213, Reissue Revised Statutes of Nebraska; to provide for contracts to review the quality of life of recipients of developmental disabilities services and the quality of the services; to change provisions relating to quality review teams; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 458.** 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 commencement provisions of certain product liability actions; and to repeal the original section.

**LEGISLATIVE BILL 459.** Introduced by Chambers, 11.

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

**LEGISLATIVE BILL 462.** Introduced by Bromm, 23; Jensen, 20; Jones, 43.

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 465.** Introduced by Schellpeper, 18; Bromm, 23; Bruning, 3; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Dw. Pedersen, 39; D. Pederson, 42; Rotak, 22; Schmitt, 41; Schrock, 38; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Witek, 31.

A BILL FOR AN ACT relating to handguns; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to adopt the Concealed Handgun License Act; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 465A.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 467.** Introduced by Hilgert, 7; Crosby, 29; Elmer, 44; Hudkins, 21; Janssen, 15; Jones, 43; Robinson, 16; Engel, 17 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 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 470.** Introduced by Kiel, 9.

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 472.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to controlled substances; to amend sections 71-1,143 and 71-1,147.01, Reissue Revised Statutes of Nebraska, and section 28-410, Revised Statutes Supplement, 1996; to restrict the dispensing of certain controlled substances; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 473.** Introduced by Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to hunting permits; to amend section 37-215.03, Revised Statutes Supplement, 1996; to change provisions relating to limited permits; and to repeal the original section.

**LEGISLATIVE BILL 481.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to political subdivisions; to authorize rent control for certain persons; and to provide powers.

**LEGISLATIVE BILL 483.** Introduced by Hillman, 48; Robinson, 16.

A BILL FOR AN ACT relating to surveys; to adopt the Nebraska Plane Coordinate System Act.

**LEGISLATIVE BILL 484.** Introduced by Suttle, 10; Kiel, 9; Preister, 5.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1424 and 28-1425, Reissue Revised Statutes of Nebraska; to provide for the suspension of tobacco licenses; to provide powers to municipalities and counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 487.** Introduced by Hartnett, 45; Preister, 5.

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

**LEGISLATIVE BILL 490.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the child protection case central registry; to amend section 28-723, Reissue Revised Statutes of Nebraska; to provide for attorney's fees; and to repeal the original section.

**LEGISLATIVE BILL 492.** Introduced by Will, 8; Hartnett, 45; Hilgert, 7; Preister, 5.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide a tax credit for educational expenses; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 494.** Introduced by Beutler, 28; Preister, 5.

A BILL FOR AN ACT relating to license plates; to provide for Nebraska Environmental Heritage License Plates; to provide powers and duties for the Department of Motor Vehicles and the Game and Parks Commission; to provide fees; and to create a fund.

**LEGISLATIVE BILL 496.** Introduced by Engel, 17; Hartnett, 45.

A BILL FOR AN ACT relating to International Fuel Tax Agreement Act; to amend section 66-1404, Reissue Revised Statutes of Nebraska; to authorize local reciprocal exemption agreements; and to repeal the original section.

**LEGISLATIVE BILL 497.** Introduced by Will, 8; Brown, 6; Hartnett, 45; Hilgert, 7; Kiel, 9; Dw. Pedersen, 39; Preister, 5; Suttle, 10; Withem, 14.

A BILL FOR AN ACT relating to retirement; to amend sections 79-902, 79-916, 79-940, 79-942, 79-944, 79-947, 79-978 to 79-981, 79-984, 79-986, 79-988, 79-988.01, 79-994, 79-995, 79-997, 79-998, 79-9,100, 79-9,102 to 79-9,104, 79-9,107, 79-9,113, 79-9,115, and 79-1043, Reissue Revised Statutes of Nebraska, and section 84-1511, Revised Statutes Supplement, 1996; to change provisions relating to school employee retirement for Class V school districts; to name an act; to change the monthly formula retirement annuity; to provide cost-of-living adjustments; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 499.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to public power districts; to amend sections 18-412.07, 18-412.08, 18-2458, 18-2459, 70-628.02 to 70-628.04, 70-637, and 70-641, Reissue Revised Statutes of Nebraska; to change and eliminate

provisions relating to sale or lease of equipment and property of districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 70-646 and 70-657, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 500.** Introduced by Wickersham, 49; Warner, 25.

A BILL FOR AN ACT relating to state agencies; to require performance evaluations of the administrative head of certain agencies; and to provide powers and duties.

**LEGISLATIVE BILL 501.** Introduced by Schimek, 27; Kiel, 9; Preister, 5.

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

**LEGISLATIVE BILL 502.** Introduced by Preister, 5; Hartnett, 45.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-818, Reissue Revised Statutes of Nebraska; to prohibit the establishment of slaughterhouses near residential areas; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 504.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1416 and 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to security deposits and actions for possession; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 507.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to 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, and sections 11-119, 11-125, 22-417, and 23-120, Revised Statutes Supplement, 1996; to eliminate the positions of clerk magistrate of the county court and clerk of the district court; to create the position of clerk of the court; to eliminate election of clerks of the district court and obsolete provisions; to provide for salaries and benefits; to require the state to pay for certain costs of county and district courts; to change duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 32-524, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 508.** Introduced by Bromm, 23; Engel, 17; Hudkins, 21; Jensen, 20; Maurstad, 30; D. Pederson, 42; Schrock, 38; Witek, 31.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-213, 25-2308, and 83-183, Reissue Revised Statutes of Nebraska, and section 83-1,116, Revised Statutes Supplement, 1996; to change provisions relating to actions brought by prisoners; to informally name the Nebraska Prison Litigation Reform Act of 1997; to eliminate a provision relating to witness fees; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; to repeal the original sections; and to outright repeal section 33-139.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 511.** Introduced by Brashear, 4; Kiel, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-204, Reissue Revised Statutes of Nebraska; to change penalties relating to being an accessory to felony; and to repeal the original section.

**LEGISLATIVE BILL 512.** Introduced by Will, 8; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-284, 43-286, 43-290, and 43-2,101, Revised Statutes Supplement, 1996; to change placement and transportation costs provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 512A.** Introduced by Will, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 512, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 514.** Introduced by Maurstad, 30; Bohlke, 33; Brown, 6; Kiel, 9; Dw. Pedersen, 39; Preister, 5; Suttle, 10; C. Peterson, 35; Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Foster Grandparent Program.

**LEGISLATIVE BILL 515.** Introduced by Wesely, 26; Crosby, 29; Hilgert, 7.

A BILL FOR AN ACT relating to insurance; to require insurance coverage for necessary formulas and low-protein foods prescribed for treatment of inherited metabolic diseases; and to provide an operative date.

**LEGISLATIVE BILL 516.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreation; to amend section 81-815.56, Reissue Revised Statutes of Nebraska, and sections 39-1390 and 60-302, Revised Statutes Supplement, 1996; to require a hearing; to change motor vehicle registration fees; to provide for distribution and use of the fees; and to repeal the original sections.

**LEGISLATIVE BILL 518.** Introduced by Beutler, 28; Preister, 5; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend sections 71-5301, 71-5302, 71-5304.01, 71-5306, and 71-5313, Reissue Revised Statutes of Nebraska; to provide for loans to public water supply systems as prescribed; to define terms; to provide for and transfer funds; to provide powers and duties; to provide for penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 521.** Introduced by Tyson, 19.

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, 1996; 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 522.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to gambling; to amend sections 9-313, 9-317, 9-337, 9-647, 9-651, 77-3001, 77-3004, and 77-3009, Reissue Revised Statutes of Nebraska, and sections 9-315, 9-345.01, 9-345.03, 9-346, 9-601, 9-607, 9-646.01, and 9-648, Revised Statutes Supplement, 1996; to authorize lotteries by the sale of pickle cards that are dispensed electronically; to change provisions relating to licensure, hours of operation, the regulation of mechanical amusement devices, and lottery and occupation taxes; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 525.** Introduced by Withem, 14.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-812, Revised Statutes Supplement, 1996; to authorize salary stipends for incentive grant purposes; to eliminate an obsolete provision; and to repeal the original section.

**LEGISLATIVE BILL 528.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to counties; to provide a rebuttable presumption in certain cases of death or disability of sheriffs and deputy sheriffs as prescribed; and to provide applicability.

**LEGISLATIVE BILL 532.** Introduced by Robak, 22; Crosby, 29.

A BILL FOR AN ACT relating to retirement; to amend sections 79-901 and 79-973, Reissue Revised Statutes of Nebraska; to provide a supplemental retirement benefit for certain school employee retirees; to change provisions relating to funding; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 533.** Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1401, 76-1431, and 76-1440, Reissue Revised Statutes of Nebraska; to provide for a special detainer action for a material and irreparable breach of a rental agreement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 534.** 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, 1996; to change provisions relating to lotteries and gambling; to redefine terms; and to repeal the original sections.

**LEGISLATIVE BILL 536.** Introduced by Withem, 14.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290, Revised Statutes Supplement, 1996; to change provisions relating to costs of care and treatment; and to repeal the original section.

**LEGISLATIVE BILL 539.** Introduced by Beutler, 28.

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

**LEGISLATIVE BILL 540.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3213 and 2-3214, Revised Statutes Supplement, 1996; to change provisions relating to the election of directors and the creation of subdistricts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 544.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to medical records; to provide access to medical records for patients and former patients as provided.

**LEGISLATIVE BILL 547.** Introduced by Legislative Program Evaluation Committee: Hillman, 48, Chairperson; Coordsen, 32; Warner, 25; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to school lands; to amend sections 72-232.02, 72-232.04, and 72-232.06, Reissue Revised Statutes of Nebraska; to provide a duty for the Board of Educational Lands and Funds; to change provisions relating to administrative costs of the board; to create and eliminate funds; to repeal the original sections; and to outright repeal section 72-232.07, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 548.** Introduced by Legislative Program Evaluation Committee: Hillman, 48, Chairperson; Coordsen, 32; Warner, 25; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to discrimination; to amend sections 13-1102, 20-113, 20-139 to 20-141, 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 combine and eliminate sections; to eliminate obsolete language; to redefine a penalty; 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 BILL 548A.** 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 548, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 549.** Introduced by Dierks, 40; Lynch, 13.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-719, Revised Statutes Supplement, 1996; to change provisions relating to the

importation and possession of certain animals; and to repeal the original section.

**LEGISLATIVE BILL 552.** Introduced by Dierks, 40; Preister, 5; Schellpeper, 18.

A BILL FOR AN ACT relating to the Central Interstate Low-Level Radioactive Waste Compact; to withdraw from the compact; to outright repeal section 71-3521, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 553.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to government; to amend sections 72-812, 72-816, 81-154, 81-161.03, 81-174, 81-179, 81-1118, and 81-1376, Reissue Revised Statutes of Nebraska; and sections 81-1317 and 81-1317.01, Revised Statutes Supplement, 1996; to change provisions relating to vacant state buildings, state agency purchases, building renewal, and state personnel; to create, transfer, and eliminate funds; to eliminate a provision relating to informal bidding procedures; to repeal the original sections; to outright repeal section 81-188, Reissue Revised Statutes of Nebraska, and section 84-1354.05, Revised Statutes Supplement, 1996; and to declare an emergency.

**LEGISLATIVE BILL 556.** Introduced by Withem, 14; Brown, 6.

A BILL FOR AN ACT relating to common carriers; to amend section 75-311, Reissue Revised Statutes of Nebraska; to change certification provisions for passenger carriers; and to repeal the original section.

**LEGISLATIVE BILL 559.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to county court; to amend section 24-517, Revised Statutes Supplement, 1996; to change jurisdictional provisions; and to repeal the original section.

**LEGISLATIVE BILL 560.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to eliminate a duty of the Revisor of Statutes to publish practice notes; and to outright repeal section 25-543, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 561.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Reissue Revised Statutes of Nebraska; to provide penalties for criminal attempt; and to repeal the original section.

**LEGISLATIVE BILL 562.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-504, Reissue Revised Statutes of Nebraska; to change provisions relating to preliminary hearings; and to repeal the original section.

**LEGISLATIVE BILL 565.** Introduced by Schmitt, 41; Jensen, 20.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 1996; to provide for pretrial diversion programs for persons charged with minor traffic offenses; to provide for fees; to define a term; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 566.** 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 571.** Introduced by Hartnett, 45; Dierks, 40; Preister, 5.

A BILL FOR AN ACT relating to wind energy resources; to amend section 70-655, Reissue Revised Statutes of Nebraska, and section 18-418, Revised Statutes Supplement, 1996; to provide for different rates, tolls, rents, or other charges; and to repeal the original sections.

**LEGISLATIVE BILL 573.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to courts; to amend section 25-2706, Reissue Revised Statutes of Nebraska, and section 24-517, Revised Statutes Supplement, 1996; to change county court jurisdiction; and to repeal the original sections.

**LEGISLATIVE BILL 574.** Introduced by Cudaback, 36; Vrtiska, 1.

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

**LEGISLATIVE BILL 578.** Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to school employees; to amend sections 79-840 and 79-841, Reissue Revised Statutes of Nebraska; to change provisions relating to hearing officers; and to repeal the original sections.

**LEGISLATIVE BILL 579.** Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to the Environmental Lead Hazard Control Act; to amend sections 71-6318 to 71-6333, Reissue Revised Statutes of Nebraska; to rename the act; to define and redefine terms and to eliminate definitions; to change and eliminate provisions relating to licensure and certification; to change penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 579A.** Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 580.** Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska; to provide and eliminate powers of districts; and to repeal the original section.

**LEGISLATIVE BILL 583.** Introduced by Wickersham, 49; Coordsen, 32; Hartnett, 45; Janssen, 15; Jensen, 20; Jones, 43; Schellpeper, 18; Schimek, 27; Schmitt, 41.

A BILL FOR AN ACT relating to budgets; to amend sections 79-1022 and 79-1024, Reissue Revised Statutes of Nebraska, and sections 13-501, 13-503, 13-504, 13-508, 13-511, 13-522, 18-2805, and 23-905, Revised Statutes Supplement, 1996; to transfer duties from the Auditor of Public Accounts to the Property Tax Administrator; to create a board; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 583A.** 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 583, Ninety-fifth Legislature, First Session, 1997; and to reduce an appropriation.

**LEGISLATIVE BILL 584.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,163, Reissue Revised Statutes of Nebraska; to change provisions relating to a waste reduction and recycling fee; to harmonize provisions; to repeal the original section; and to outright repeal section 81-1566.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 585.** Introduced by Schimek, 27; Hilgert, 7; Vrtiska, 1; Will, 8.

A BILL FOR AN ACT relating to the Game and Parks Commission; 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 587.** Introduced by Wesely, 26; Withem, 14; at the request of the Governor.

A BILL FOR AN ACT relating to health and human services; to amend sections 68-1021, 68-1030, 68-1048 to 68-1053, 68-1056, 68-1057, 60-1059, 68-1061 to 68-1063, 68-1101, 71-101, 71-5001 to 71-5003, 71-5004, 71-5006, 71-5007, 71-5009, 71-5013 to 71-5016, 71-5021, 71-5022, 71-5027, 71-5032, 71-5038, 71-5040, 71-5044, 71-7501 to 71-7504, 71-7506, 71-7514, 71-7518.02, 71-7518.03, 71-7520, 71-7524 to 71-7528, 79-11,130, 79-11,132, 81-2208, 81-2220, 81-2252, and 83-1,143.06, Reissue Revised Statutes of Nebraska, and sections 44-32,180, 44-4726, 81-1316, 81-2213, 81-2232, 81-2235, 81-3003, 81-3009, 81-3201, 83-159, 83-163, and 83-164, Revised Statutes Supplement, 1996; to adopt the Community-State Partnership Act; to change and eliminate the Managed Care Plan Act; to adopt the Integrated Health Services Plan Act; to change responsibility for social security disability determinations; to provide for common regions for certain health and human services; to state intent; to provide powers and duties; to eliminate a committee, references to regional entities, certain powers and duties, and a

termination date; to exempt certain personnel from the State Personnel System; to provide for a health director; to harmonize provisions; to repeal the original sections; to outright repeal sections 68-1058, 68-1060, 68-1064, 68-1065, 68-1066, 71-5020, 71-5024 to 71-5026, 71-5033, 71-5034, 71-7515 to 71-7517, 71-7518.01, 71-7518.04 to 71-7518.09, 71-7520 to 71-7523, 71-7529, 81-2215, 81-2217, and 83-161.02, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 591.** Introduced by Withem, 14; Coordsen, 32; Dierks, 40; Robinson, 16; Schellpeper, 18; Schimek, 27; Warner, 25.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1402, 49-1403, 49-1405, 49-1413, 49-1416, 49-1478, and 49-14,124, Reissue Revised Statutes of Nebraska, and sections 49-1401 and 49-1419, Revised Statutes Supplement, 1996; to define and redefine terms; to restate intent; to provide filing requirements for major out-of-state contributors; to change expenditure requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 593.** Introduced by Withem, 14; Brashear, 4; Brown, 6; Coordsen, 32; Schimek, 27.

A BILL FOR AN ACT relating to attorneys at law; to adopt the Attorney-Client Conference Act; and to provide civil and criminal liability.

**LEGISLATIVE BILL 594.** Introduced by Robinson, 16; Schimek, 27; at the request of the Governor.

A BILL FOR AN ACT relating to scrap tires; to amend sections 81-15,158.01, 81-15,159.01, 81-15,159.02, 81-15,160, 81-15,161, 81-15,162.02, and 81-15,162.07, Reissue Revised Statutes of Nebraska, and section 81-15,161.01, Revised Statutes Supplement, 1996; to change provisions relating to disbursements; to eliminate provisions relating to loans; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-15,162.03 to 81-15,162.06, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 601.** Introduced by Hillman, 48; Brown, 6; Kiel, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-318, Revised Statutes Supplement, 1996; to create the offense of indecency with a child; to provide penalties; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 602.** Introduced by Beutler, 28; Bohlke, 33; Landis, 46; C. Peterson, 35; Wesely, 26.

A BILL FOR AN ACT relating to municipal power suppliers; to amend sections 16-901, 17-1001, and 70-1008 to 70-1010, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to service areas; to repeal the original sections; and to outright repeal section 70-1007, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 603.** Introduced by Dw. Pedersen, 39; Crosby, 29.

A BILL FOR AN ACT relating to minors in possession of alcohol; to amend sections 53-180.04, 53-180.05, 60-6,211.01, 60-6,211.02, and 60-6,211.04, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-6,205, Revised Statutes Supplement, 1996; to change provisions relating to suspension 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 603A.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 606.** Introduced by Bromm, 23; Hudkins, 21; Janssen, 15; Jones, 43; Matzke, 47; Preister, 5; Schellpeper, 18; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to crime victims; to provide intent; to define terms; to provide for certain rights; to require notice; and to prohibit certain remedies.

**LEGISLATIVE BILL 607.** Introduced by Bromm, 23; Cudaback, 36; Robinson, 16.

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 609.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to mental health programs; to state findings and intent relating to funding.

**LEGISLATIVE BILL 611.** Introduced by Dw. Pedersen, 39; Bruning, 3; Hartnett, 45; Hilgert, 7; Lynch, 13.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-117, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation; and to repeal the original section.

**LEGISLATIVE BILL 614.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to medical care; to provide qualified immunity for certain providers at free clinics as prescribed; and to provide for voluntary contributions to free clinics.

**LEGISLATIVE BILL 616.** Introduced by Elmer, 44; Bromm, 23; Bruning, 3; McKenzie, 34; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend sections 81-15,168 and 81-15,173, Reissue Revised Statutes of

Nebraska, and section 81-15,176, Revised Statutes Supplement, 1996; to change provisions relating to priorities; and to repeal the original sections.

**LEGISLATIVE BILL 619.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public health and welfare; to require labels on human immunodeficiency virus home collection kits as prescribed.

**LEGISLATIVE BILL 620.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1428, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1996; to define and redefine terms; to provide restrictions on publishing and broadcasting campaign materials; to require filings for an intent to expend; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 621.** 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 627.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to bingo and other gambling; to amend section 9-241.03, Revised Statutes Supplement, 1996; to change provisions relating to bingo occasions; to provide powers and duties; and to repeal the original section.

**LEGISLATIVE BILL 628.** Introduced by Dw. Pedersen, 39; Preister, 5.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2280, 29-2281, and 29-2286, Reissue Revised Statutes of Nebraska; to change provisions relating to restitution; to authorize restitution for certain criminalistics procedures; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 629.** 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 632.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to campaign statements; to amend section 49-1459, Reissue Revised Statutes of Nebraska; to change provisions relating to filing campaign statements; and to repeal the original section.

**LEGISLATIVE BILL 633.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to food stamp assistance; to amend section 43-512, Revised Statutes Supplement, 1996; to provide state-funded assistance for certain residents; to provide duties for agencies; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 633A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 633, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

**LEGISLATIVE BILL 637.** Introduced by Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-266, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Supplement, 1996; to provide for the election of the board of directors of a municipal electric utility; to provide and eliminate powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal section 15-222, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 638.** Introduced by Robinson, 16; Bromm, 23; Brown, 6; Cudaback, 36; Dierks, 40; Janssen, 15; Jensen, 20; Jones, 43; Schimek, 27; Schmitt, 41; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wesely, 26; Witek, 31.

A BILL FOR AN ACT relating to lobbying; to amend sections 49-1433, 49-1480, 49-1481, 49-1492, and 84-906.03, Reissue Revised Statutes of Nebraska, and sections 49-1480.01, 49-1482, 49-1483, 49-1483.03, 49-1484 to 49-1486, 49-1488, 49-1488.01, 50-114.05, and 84-907.03, Revised Statutes Supplement, 1996; to require lobbyists who lobby regarding rules and regulations to register with the Secretary of State; to provide powers and duties; to provide fees and penalties; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-1483.04, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 640.** Introduced by Coordsen, 32; Cudaback, 36; Engel, 17; Hudkins, 21; Jones, 43; Matzke, 47; D. Pederson, 42; Schmitt, 41; Schrock, 38; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to license plates; to provide for brand license plates; to provide fees; and to provide powers and duties for the Department of Motor Vehicles and the Nebraska Brand Committee.

**LEGISLATIVE BILL 645.** Introduced by Lynch, 13; Crosby, 29; Engel, 17; Kiel, 9.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for the Postsecondary Education Award Program.

**LEGISLATIVE BILL 648.** Introduced by Kiel, 9; Brashear, 4; Brown, 6; Hilgert, 7; C. Peterson, 35; Preister, 5; Schrock, 38; Suttle, 10; Tyson, 19; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to students; to amend sections 28-929 to 28-931.01, 28-1204.03, 28-1204.04, 43-801, 79-254, 79-258, 79-266, 79-2,105,

and 79-526, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-479, Revised Statutes Supplement, 1996; to provide for criminal penalties for assault on educational employees; to change provisions relating to criminal penalties for possession of firearms and deadly weapons as prescribed; to change provisions relating to parental liability; to provide for suspension of drivers' licenses as prescribed; to change provisions relating to student files or records and student discipline; to harmonize provisions; to eliminate provisions relating to corporal punishment; to repeal the original sections; and to outright repeal section 79-295, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 649.** Introduced by Dierks, 40.

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

**LEGISLATIVE BILL 649A.** 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 649, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 650.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2014.01, Revised Statutes Supplement, 1996; to provide a cost-of-living adjustment for certain retirees; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 651.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend section 14-2150, Revised Statutes Supplement, 1996; to authorize the donation of certain personal property to political subdivisions; to provide powers and duties; and to repeal the original section.

**LEGISLATIVE BILL 653.** Introduced by Warner, 25.

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend section 48-720, Reissue Revised Statutes of Nebraska, and sections 48-719 and 48-731, Revised Statutes Supplement, 1996; to provide an exemption for hobby boilers; to define a term; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 654.** Introduced by Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to electric utilities; to provide for merger of municipally owned electric utilities.

**LEGISLATIVE BILL 655.** Introduced by Beutler, 28; Engel, 17.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505, Reissue Revised Statutes of Nebraska; to establish air quality standards for hydrogen sulfide gas; to provide duties; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 656.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources; to state intent; to appropriate funds to the Niobrara Council as prescribed.

**LEGISLATIVE BILL 656A.** 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 656, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 661.** Introduced by Dierks, 40; at the request of the Governor.

A BILL FOR AN ACT relating to agriculture; to state intent relating to meat and poultry inspection.

**LEGISLATIVE BILL 664.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-901 to 37-912 and 81-814.02, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1996; to change provisions relating to controlled shooting areas and game breeding operations; to define terms; to provide powers and duties; 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 667.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1291, Revised Statutes Supplement, 1996; to authorize nonpublic lake associations to adopt and promulgate rules and regulations as prescribed; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 668.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to boating; to amend sections 66-499, 66-4,140, and 66-4,147, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1996; to require motorboat operator education as prescribed; to create a fund; to provide for transfers of motor vehicle fuel tax funds; to provide duties; to define terms; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 669.** Introduced by Wehrbein, 2; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Kiel, 9; Lynch, 13; Maurstad, 30; D. Pederson, 42.

A BILL FOR AN ACT relating to appropriations; to state intent relating to Laws 1996, LB 1044A; and to declare an emergency.

**LEGISLATIVE BILL 673.** Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

**LEGISLATIVE BILL 674.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to children; to amend sections 42-718, 43-158, 43-1209, 43-1210, 43-1801, 43-1802, 43-2903, and 43-2905 to 43-2917, Reissue Revised Statutes of Nebraska, and sections 42-351, 42-364, 43-104.13, 43-2,113, 43-1202, 43-1803, 43-2904, 43-2919, and 84-205, Revised Statutes Supplement, 1996; to change visitation references to parenting time; to change custody, visitation, and Parenting Act provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 676.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-631 and 29-110, Reissue Revised Statutes of Nebraska; to require restitution for fraudulent insurance acts; to change statute of limitation provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 678.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to campaigns; to amend sections 32-1601, 32-1607, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes Supplement, 1996; to provide for enforcement of the Campaign Finance Limitation Act; to provide civil and criminal penalties; to provide a limitation on civil enforcement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 679.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to solid waste; to amend section 28-523, Reissue Revised Statutes of Nebraska, and sections 39-310 and 39-311, Revised Statutes Supplement, 1996; to change littering and solid waste penalties; and to repeal the original sections.

**LEGISLATIVE BILL 681.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Legislative Council; and to state intent.

**LEGISLATIVE BILL 682.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to drainage districts; to amend sections 31-301.01, 31-401.01, 31-410.01, 31-424.01, and 31-447, Reissue Revised Statutes of Nebraska; to limit tax levy authority; to require merger with natural resources districts; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 31-411.02, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 683.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to trail development; to amend section 37-1503, Revised Statutes Supplement, 1996; to impose a fee on the sale of bicycles; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 684.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 81-15,113.01, Revised Statutes Supplement, 1996; to change provisions relating to compact commission funds; and to repeal the original section.

**LEGISLATIVE BILL 692.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to health and human services; to provide legislative oversight for contracts relating to the Nebraska Partnership for Health and Human Service Act.

**LEGISLATIVE BILL 694.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-310, 60-311.03, 60-311.04, 60-311.08, 60-311.09, and 60-315.01, Reissue Revised Statutes of Nebraska, and sections 60-311.05 and 60-311.12, Revised Statutes Supplement, 1996; to change and eliminate fees; to change provisions relating to renewal and transfer of license plates; and to repeal the original sections.

**LEGISLATIVE BILL 695.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to counties; to amend sections 29-1002, 29-1004, 47-120, and 47-121, Reissue Revised Statutes of Nebraska; to change provisions relating to the custody and maintenance of prisoners; to state intent; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal section 47-119, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 699.** Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bromm, 23; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to propane; to adopt the Propane Education and Research Act.

**LEGISLATIVE BILL 700.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources; to amend sections 87-112 and 87-209, Reissue Revised Statutes of Nebraska; to adopt the Geologists Regulation Act; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

**LEGISLATIVE BILL 701.** Introduced by Beutler, 28.

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, and 83-1011, Reissue Revised Statutes of Nebraska, and sections 60-489 and 81-1401, Revised Statutes Supplement, 1996; to provide powers and duties for conservation and deputy conservation officers; to redefine terms; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 702.** Introduced by Beutler, 28.

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 703.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-535 to 37-538, Reissue Revised Statutes of Nebraska; to change provisions relating to the importation, exportation, and release of birds and mammals; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 704.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-227, Reissue Revised Statutes of Nebraska, and section 37-215, Revised Statutes Supplement, 1996; to change provisions for the issuance of certain permits issued by the Game and Parks Commission; and to repeal the original sections.

**LEGISLATIVE BILL 705.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-102, 37-201, 37-216.03, 37-216.04, and 37-216.06 to 37-216.09, Revised Statutes Supplement, 1996; to provide for lifetime habitat stamps; to provide fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 707.** Introduced by Bohlke, 33; C. Peterson, 35; Janssen, 15.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505.04, Revised Statutes Supplement, 1996; to change provisions relating to the annual emission fee; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 708.** Introduced by Janssen, 15; Hartnett, 45.

A BILL FOR AN ACT relating to utilities; to amend section 71-6316, Reissue Revised Statutes of Nebraska, and sections 14-2101, 14-2116, 14-2122, and 19-4601, Revised Statutes Supplement, 1996; to provide for gas furnace inspections of residential and commercial structures by utilities or gas companies as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 709.** Introduced by Schmitt, 41.

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 711.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 79-215, 79-237, 79-240, 79-413, 79-447, 79-463, 79-479, 79-528, 79-556, 79-602, 79-608, 79-808, 79-809, 79-1128, 79-1177, 79-1223, and 79-1310, Reissue Revised Statutes of Nebraska; to change provisions relating to nonresident students, the enrollment option program, reorganization of districts, reports, meetings,

transportation, certificates, special education, educational service unit property, and school technology; to eliminate provisions relating to property transfer and year-round school and a definition; to repeal the original sections; and to outright repeal sections 79-224 to 79-231, 79-506 to 79-511, and 79-1118, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 712.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to education; to require testing.

**LEGISLATIVE BILL 714.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1005, and 79-1015, Reissue Revised Statutes of Nebraska; to change provisions relating to distribution of state aid; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 715.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-9,139.02, Revised Statutes Supplement, 1996; to change provisions relating to loan default cost fees; to require a study; and to repeal the original section.

**LEGISLATIVE BILL 718.** Introduced by Preister, 5; Hartnett, 45; Kiel, 9; Landis, 46; Lynch, 13; Schimek, 27; Wesely, 26.

A BILL FOR AN ACT relating to water; to amend sections 46-2,107 and 46-2,109, Reissue Revised Statutes of Nebraska, and section 46-2,111, Revised Statutes Supplement, 1996; to change instream appropriations provisions; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 726.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1499.01, 49-14,103.02, and 49-14,103.07, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1499, 49-14,101, and 49-14,103.01, Revised Statutes Supplement, 1996; 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 728.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to personal property; to amend sections 69-201, 69-204, 69-205, 69-206, and 69-210, Reissue Revised Statutes of Nebraska; to change provisions relating to pawnbrokers, dealers in secondhand goods or jewelry, coin dealers, or junk dealers; and to repeal the original sections.

**LEGISLATIVE BILL 730.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to exemptions; to amend sections 25-1552, 25-1556, 25-1557, 40-101, 40-102, and 40-105, Reissue Revised Statutes of Nebraska; to change execution and homestead exemption provisions; to eliminate a defined term; to harmonize provisions; to repeal the original

sections; and to outright repeal section 40-115, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 731.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to filings and recordings; to amend sections 52-202, 52-501, 52-701, 52-902, 52-1001, 52-1004, 52-1102, 52-1202, 52-1307, 52-1312, 52-1313, 52-1316, 52-1601, 52-1603, 54-201, 54-208, and 77-3903, Reissue Revised Statutes of Nebraska, and sections 9-401, 9-402, 9-403, 9-408, 9-413, 9-415, and 9-420, Uniform Commercial code; to change filing provisions relating to liens and secured transactions; to provide duties for the Secretary of State; to eliminate provisions relating to filing; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 9-412 and 9-414, Uniform Commercial Code.

**LEGISLATIVE BILL 732.** Introduced by Will, 8.

A BILL FOR AN ACT relating to gambling; to amend sections 9-204, 9-312, 9-315, 9-338, and 9-346, Revised Statutes Supplement, 1996; to redefine terms; to change provisions relating to pickle cards played in conjunction with the conduct of bingo; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 736.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to mental health services; to amend sections 71-5002 and 71-5654, Reissue Revised Statutes of Nebraska, and sections 83-101.06, 83-125, 83-227.01, 83-306, 83-308, 83-324, 83-336, 83-339, 83-340, 83-1021, and 83-1040, Revised Statutes Supplement, 1996; 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 739.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Bank Holding Company Act of 1995; to amend section 8-911, Revised Statutes Supplement, 1996; to change provisions relating to the acquisition of banks; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 744.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to electric utilities; to amend section 70-604, Reissue Revised Statutes of Nebraska; to state intent; to provide requirements for reorganization, consolidation, or merger; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 748.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to hazardous substances; to define terms; and to provide liability for cleanup costs as a result of a hazardous substance emergency.

**LEGISLATIVE BILL 751.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to firearms; to amend sections 28-1204.01, 28-1204.02, 28-1204.04, 28-1206, and 69-2404, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1996; to eliminate the offense of unlawful possession of a revolver; to create the offense of illegal possession of a firearm; to change provisions relating to a certificate to purchase a handgun; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-1204, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 752A.** 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 752, Ninety-fifth Legislature, First Session, 1997; to reduce appropriations; and to provide for transfers.

**LEGISLATIVE BILL 756.** Introduced by C. Peterson, 35; Hilgert, 7; Hudkins, 21; Kiel, 9; McKenzie, 34; Preister, 5; Stuhr, 24; Suttle, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-404.02 and 29-908, Reissue Revised Statutes of Nebraska; to change provisions relating to arrests without warrants and violations of bail, recognizance, or a conditioned release; and to repeal the original sections.

**LEGISLATIVE BILL 757.** Introduced by C. Peterson, 35; Hilgert, 7; Hudkins, 21; Kiel, 9; McKenzie, 34; Dw. Pedersen, 39; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 83-1014, 83-1022, 83-1027, 83-1028, 83-1029, 83-1036, 83-1044, 83-1045, 83-1045.02, 83-1046, 83-1064, 83-1067, and 83-1068, Revised Statutes Supplement, 1996; to make the act applicable to juveniles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 760.** Introduced by Dw. Pedersen, 39; at the request of the Governor.

A BILL FOR AN ACT relating to juvenile corrections; to amend sections 83-905, 83-925.05, and 83-925.06, Reissue Revised Statutes of Nebraska, and section 83-925.07, Revised Statutes Supplement, 1996; to change oversight and control of the secure youth facility; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 761.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Department of Correctional Services; to provide for adopting and promulgating rules and regulations.

**LEGISLATIVE BILL 762.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to athletic trainers; to amend sections 71-1,238 and 71-1,239, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to practices allowed; and to repeal the original sections.

**LEGISLATIVE BILL 763.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to plumbing; to adopt the Plumbing License Law.

**LEGISLATIVE BILL 765.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to Employment Security Law; to amend sections 48-601 and 48-649, Revised Statutes Supplement, 1996; to change combined tax rate computation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 766.** Introduced by Brashear, 4; Will, 8.

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 766A.** 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 766, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 767.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1453, 49-1493, 49-14,126, and 81-1117.02, Reissue Revised Statutes of Nebraska, and section 49-14,103.01, Revised Statutes Supplement, 1996; to change provisions relating to dissolution of committees and conflicts of interest; to provide duties for the Nebraska Accountability and Disclosure Commission and the Department of Administrative Services; to provide for restitution; to provide access to computer records; and to repeal the original sections.

**LEGISLATIVE BILL 768.** Introduced by Brashear, 4; Landis, 46; Maurstad, 30.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1479, Reissue Revised Statutes of Nebraska; to change contribution restrictions on campaign committees; and to repeal the original section.

**LEGISLATIVE BILL 769.** Introduced by Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 28-913, 83-181, 83-4,114, 83-4,121, and 83-4,122, Reissue Revised Statutes of Nebraska, and sections 43-254, 43-290, and 83-4,114.01, Revised Statutes Supplement, 1996; to change a penalty; to change provisions relating to costs of treatment and health care and disciplinary restrictions and procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 776.** Introduced by Jensen, 20; Maurstad, 30.

A BILL FOR AN ACT relating to public buildings; to amend section 79-10,105, Reissue Revised Statutes of Nebraska; to define terms; to provide

for energy financing contracts; to change provisions relating to certain agreements regarding school buildings; and to repeal the original section.

**LEGISLATIVE BILL 777.** Introduced by Jensen, 20; Brown, 6; Hudkins, 21; Kiel, 9; Dw. Pedersen, 39; Schimek, 27; Stuhr, 24.

A BILL FOR AN ACT relating to parenting; to amend section 43-2901, Reissue Revised Statutes of Nebraska; to provide for parenting education courses; to harmonize provisions; to provide a duty; and to repeal the original section.

**LEGISLATIVE BILL 778.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to archaeological resource preservation; to adopt the Nebraska Archeological Resources Preservation Act; to provide penalties; and to provide for a property tax exemption.

**LEGISLATIVE BILL 779.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 76-1401 and 76-1410, Reissue Revised Statutes of Nebraska; to define a term; to provide for the termination of a rental agreement due to a serious and clear danger; to provide procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 780.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to courts; to amend Laws 1996, LB 1296, section 29; to change the operative date for changes in county court jurisdiction; and to repeal the original section.

**LEGISLATIVE BILL 782.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1020 and 68-1037, Reissue Revised Statutes of Nebraska; to change provisions relating to qualification for certain programs and services; and to repeal the original sections.

**LEGISLATIVE BILL 782A.** 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 782, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 783.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to medication aides; to amend sections 71-1911, 71-2017.01, 71-2023, 71-2024, 71-6008, 71-6015, 71-6038, and 71-6605, Reissue Revised Statutes of Nebraska; to adopt the Medication Aide Act; to provide a penalty; to change provisions relating to certain licenses as prescribed; to eliminate provisions relating to care staff members and medication assistants; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-2050 to 71-2055, 71-6009, 71-6501, and 71-6701 to 71-6717, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 790.** Introduced by Bromm, 23; Bruning, 3; Hudkins, 21; Jensen, 20; Jones, 43; Maurstad, 30.

A BILL FOR AN ACT relating to employment; to provide immunity in actions relating to job references; and to define terms.

**LEGISLATIVE BILL 791.** Introduced by Bromm, 23; Engel, 17; Jones, 43; D. Pederson, 42; Stuhr, 24.

A BILL FOR AN ACT relating to certificated school employees; to amend sections 79-831, 79-840, and 79-1236, Reissue Revised Statutes of Nebraska; to change provisions relating to contracts; and to repeal the original sections.

**LEGISLATIVE BILL 792.** Introduced by Bromm, 23; Coordsen, 32; Cudaback, 36; Engel, 17; Janssen, 15; Preister, 5; Robinson, 16; Schmitt, 41; Stuhr, 24; Witek, 31.

A BILL FOR AN ACT relating to public records; to amend sections 84-713 and 84-713.02, Revised Statutes Supplement, 1996; to provide for access to state public records; to authorize fees for access; to provide for appeals; to eliminate a task force; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-713.05, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 793.** Introduced by Bromm, 23; Cudaback, 36; Jones, 43; Robinson, 16; Schrock, 38; Tyson, 19; Witek, 31.

A BILL FOR AN ACT relating to schools; to amend sections 84-1601, 84-1604, 84-1610, and 84-1612, Reissue Revised Statutes of Nebraska; to provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units; to permit such coverage for noncertificated employees; and to repeal the original sections.

**LEGISLATIVE BILL 796.** Introduced by Bromm, 23; Brashear, 4; Janssen, 15.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend sections 24-703 and 24-708, Reissue Revised Statutes of Nebraska; to change a fee; to change provisions relating to retirement age and annuities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 799.** 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 799A.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 799, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 800.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to insurance; to require health insurance coverage for certain joint disorders.

**LEGISLATIVE BILL 801.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to common carriers; to amend section 75-126, Reissue Revised Statutes of Nebraska; to provide for certain services to be performed free or at a reduced rate for persons who are legally blind or visually handicapped; and to repeal the original section.

**LEGISLATIVE BILL 803.** Introduced by Lynch, 13; Coordsen, 32; Crosby, 29; Hartnett, 45; Stuhr, 24.

A BILL FOR AN ACT relating to health and human services; to adopt the Community-Based Neurobehavioral Rehabilitation Act.

**LEGISLATIVE BILL 804.** Introduced by Janssen, 15; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to create the Local Option Property Tax Relief Committee; to provide duties; and to declare an emergency.

**LEGISLATIVE BILL 805.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to public lettings and contracts; to amend sections 73-303, 73-304, 73-306, 73-307, and 81-8,240, Reissue Revised Statutes of Nebraska; to change public letting and contract requirements; to provide public record requirements; to create a duty; to provide a remedy; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 807.** Introduced by Stuhr, 24.

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

**LEGISLATIVE BILL 810.** Introduced by Crosby, 29; Coordsen, 32; Dw. Pedersen, 39; Schimek, 27; Robak, 22.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150 to 20-154, 20-156, 20-157, 20-159, 25-2401 to 25-2405, 71-4728, and 71-4728.01, Reissue Revised Statutes of Nebraska; to change provisions related to interpreters; to provide for auxiliary devices; to define, redefine, and eliminate terms; to provide powers and duties for the Commission of the Hearing Impaired and the State Department of Education; to harmonize provisions; to repeal the original sections; and to outright repeal sections 20-155 and 20-158, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 818.** Introduced by Wickersham, 49.

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, 29-119, 29-3903, 29-3904, 29-3918, 43-272, and 43-273, Reissue Revised Statutes of Nebraska, and sections 23-1206.01, 23-1223, and 32-567, Revised Statutes Supplement, 1996; 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, 29-3909 to 29-3917, and 29-3919 to 29-3931, Reissue Revised Statutes of Nebraska, and sections 23-3401 and 32-523, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 819.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; to state intent; and to provide duties.

**LEGISLATIVE BILL 820.** 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 822.** Introduced by Robinson, 16; Brown, 6; Crosby, 29; Janssen, 15; Lynch, 13; Stuhr, 24.

A BILL FOR AN ACT relating to school retirement; to amend sections 77-3442, 79-931, and 79-934, Reissue Revised Statutes of Nebraska; to change retirement annuity and retirement age provisions; to exempt certain retirement expenditures from levy limits; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 823.** Introduced by Wickersham, 49; Bromm, 23; Coordsen, 32; Cudaback, 36; Elmer, 44; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; McKenzie, 34; Robinson, 16; Schellpeper, 18; Schmitt, 41; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 10-127, 10-142, 13-916, 13-1612, 44-1615, 77-3442, 77-3443, 77-3445, 79-744, 79-902, 79-919, 79-922, 81-1118.02, 85-121, 85-121.03, 85-301, 85-304, 85-306, 85-307, 85-308.01, 85-310, 85-314 to 85-316, 85-317.01 to 85-319, 85-943, 85-966, 85-966.01, 85-1402, 85-1404, 85-1412 to 85-1414, 85-1416, 85-1418, 85-1504, 85-1541, and 85-1542, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-518, 13-2202, 32-567, 32-607, 32-608, 32-1203, 32-1301, 32-1302, 48-621, 48-622.03, 48-811.02, 49-506, 81-1201.21, 85-308, 85-606.01, 85-917, 85-933, 85-949, 85-9,167, and 85-1503, Revised Statutes Supplement, 1996; to provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges; to change and eliminate 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 operative dates; to repeal the original sections; and to outright repeal sections 85-121.05, 85-312, 85-1501, 85-1502, 85-1505 to 85-1512, and 85-1514 to 85-1540, Reissue Revised Statutes of Nebraska, and section 32-514, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 824.** Introduced by Coordsen, 32.

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, 79-1142, and 79-1145, Reissue Revised Statutes of Nebraska; to create the School Aid Trust Fund; to provide that a portion of income tax receipts and of sales and use tax receipts be credited to the School Aid Trust Fund; to provide for the use of the fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 825.** Introduced by Hartnett, 45.

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, 47-207, 47-208, 47-302, 47-305, 47-501, 47-603, and 47-617, Reissue Revised Statutes of Nebraska, and sections 10-409, 16-239, 19-1302, 47-202, 47-206, and 47-303, Revised Statutes Supplement, 1996; 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 826.** Introduced by Hartnett, 45.

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, 18-1706, 19-413, 19-414, and 48-1209.01, Reissue Revised Statutes of Nebraska, sections 13-608, 13-1801, 13-2101, 14-101, 14-102, 14-709, 14-815, 17-107, 17-121, 17-208, 18-1201, and 19-415, Revised Statutes Supplement, 1996; 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, 18-1702, 18-1703, and 18-1704, Reissue Revised Statutes of Nebraska, and section 15-326, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 830.** Introduced by Hillman, 48; Hudkins, 21; Jones, 43; Schmitt, 41; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-102, Revised Statutes Supplement, 1996; to define habitual offender; 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 37-207, Reissue Revised Statutes of Nebraska, and section 37-216.03, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 833.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for the Parents of All Ages Program.

**LEGISLATIVE BILL 834.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-648, Revised Statutes Supplement, 1996; to change a provision relating to combined tax; and to repeal the original section.

**LEGISLATIVE BILL 836.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to handicapped parking permits; to amend sections 18-1738, 18-1738.01, and 18-1740, Revised Statutes Supplement, 1996; to change renewal provisions for permanent permits; and to repeal the original sections.

**LEGISLATIVE BILL 838.** Introduced by Suttle, 10; Beutler, 28; McKenzie, 34; C. Peterson, 35.

A BILL FOR AN ACT relating to students; to amend sections 79-255, 79-262, 79-267, 79-283, and 79-285, Reissue Revised Statutes of Nebraska; to change provisions relating to student discipline; and to repeal the original sections.

**LEGISLATIVE BILL 839.** Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1405, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1996; to redefine ballot question; to require a declaration of intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 840.** Introduced by Crosby, 29; Lynch, 13.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-901, 79-902, 79-924, and 79-933.02, Reissue Revised Statutes of Nebraska; to authorize purchase of service credit for certain employees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 841.** Introduced by Crosby, 29; Wesely, 26.

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 842.** Introduced by Crosby, 29; Bromm, 23; Elmer, 44; Bohlke, 25; Warner, 25.

A BILL FOR AN ACT relating to interior design professionals; to adopt the Interior Design Profession Regulation Act; to provide an operative date; and to provide for severability.

**LEGISLATIVE BILL 843.** Introduced by Legislative Program Evaluation Committee: Hillman, 48, Chairperson; Coordsen, 32; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend sections 31-601, 31-602, 33-104, 72-201, 72-202, 72-204 to 72-205.04, 72-222.02, 72-224.03, 72-229, 72-232, 72-232.01, 72-233, 72-234, 72-235 to 72-238, 72-240.02, 72-240.03, 72-240.05, 72-240.07, 72-240.10,

72-240.21 to 72-240.23, 72-241, 72-253, 72-302 to 72-305, 72-308, 72-907, and 77-1316, Reissue Revised Statutes of Nebraska; to change provisions relating to appraisals, leases, and board duties; to eliminate provisions relating to contracts of sale and leases; to harmonize provisions; to repeal the original sections; and to outright repeal sections 72-209, 72-210, 72-211, and 72-240.24, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 844.** Introduced by Wehrbein, 2; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services; to repeal a power of the Department of Administrative Services; to outright repeal Laws 1996, LB 1189, section 47; and to declare an emergency.

**LEGISLATIVE BILL 845.** Introduced by Suttle, 10; Preister, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-416, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to possession of marijuana; to provide for certain fees to be charged as court costs; and to repeal the original section.

**LEGISLATIVE BILL 846.** Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 1996; to provide for license sanctions for certain violations occurring on licensed premises; and to repeal the original section.

**LEGISLATIVE BILL 848.** Introduced by Will, 8.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203, 2-1203.02, 2-1226, and 2-1228, Revised Statutes Supplement, 1996; to provide for the use of a fund; to change provisions relating to fingerprinting and simulcast licenses; and to repeal the original sections.

**LEGISLATIVE BILL 849.** Introduced by Suttle, 10; Schimek, 27.

A BILL FOR AN ACT relating to insurance; to require coverage for certain drugs as prescribed.

**LEGISLATIVE BILL 855.** Introduced by Abboud, 12.

A BILL FOR AN ACT relating to emergency personnel; to amend sections 35-508, 35-513, 60-6,233, 60-6,234, and 60-6,285, 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 provide restrictions on the use of sirens and horns; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 857.** Introduced by Wesely, 26; Crosby, 29; Lynch, 13.

A BILL FOR AN ACT relating to state government; to amend sections 77-2602, 81-179, 85-1,113, 85-1,114, 85-326, and 85-327, Reissue Revised

Statutes of Nebraska; to provide funding for capital constructions projects at the University of Nebraska and Nebraska State Colleges; to change the distribution cigarette tax; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 860.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to labor; to create the Nebraska Commission on Jobs and Wages; to provide duties; and to provide a termination date.

**LEGISLATIVE BILL 866.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-536, Reissue Revised Statutes of Nebraska; to change provisions relating to the commercial exploitation or exportation of certain aquatic organisms; and to repeal the original section.

**LEGISLATIVE BILL 867.** Introduced by Preister, 5; Beutler, 28; Hartnett, 45.

A BILL FOR AN ACT relating to renewable energy resources; to state intent; to define terms; to provide requirements for utility companies; to authorize renewable energy credits; to provide powers and duties; to provide for enforcement and civil actions; and to provide severability.

**LEGISLATIVE BILL 868.** Introduced by Schmitt, 41; Jones, 43.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1996; to provide a restriction on names for non-deposit-taking branch offices; and to repeal the original section.

**LEGISLATIVE BILL 869.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to amend sections 13-1102, 20-113, 20-139, 23-2525, 23-2531, 48-1101 to 48-1107, 48-1107.02, 48-1108, 48-1109 to 48-1126, 79-2,123, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 20-131, 23-2541, and 85-9,175, Revised Statutes Supplement, 1996; 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 870.** Introduced by Wesely, 26; Chambers, 11; Hillman, 48; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to housing; to amend sections 76-901, 76-903, 77-908, and 77-912, Reissue Revised Statutes of Nebraska, and sections 58-701 and 58-703, Revised Statutes Supplement, 1996; to provide for a report; to provide revenue sources for the Affordable Housing Trust Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 871.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health and human services; to amend sections 68-114, 68-126, 68-131, 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, 68-152,

68-153, 68-154, 68-155, 71-1623, 81-2201, 83-364, 83-367, 83-370, 83-371, 83-375, 83-377, 83-378, 83-379, and 83-2201, Reissue Revised Statutes of Nebraska, and sections 83-227.01, 83-227.02, 83-306, 83-363, and 83-380.01, Revised Statutes Supplement, 1996; to transfer duties relating to provision of services from counties to the state; to state intent; to eliminate provisions relating to medical and general assistance, matching funds, alcohol treatment, and cost reimbursements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-104, 68-135, 68-136, 68-143, 68-145, 68-150, 68-151, 68-156, 71-5010, 71-5013, 71-5027 to 71-5029, 81-1328.01 to 81-1328.03, 81-2224, 81-2225, and 81-2228, Reissue Revised Statutes of Nebraska, and sections 83-376 and 83-380, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 872.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to firefighters; to amend section 35-513, Reissue Revised Statutes of Nebraska, and section 35-508, Revised Statutes Supplement, 1996; 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 876.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Janssen, 15; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to housing; to adopt the Nebraska Housing Agency Act; to eliminate the Housing Cooperation Law and the Nebraska Housing Authorities Law; to provide severability; and to outright repeal sections 71-1501 to 71-1512 and 71-1518 to 71-1554, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 878.** Introduced by Brown, 6; Maurstad, 30.

A BILL FOR AN ACT relating to state government; to authorize employee buy-out programs; and to provide procedures for approval of employee buy-outs.

**LEGISLATIVE BILL 878A.** Introduced by Brown, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 878, Ninety-fifth Legislature, First Session, 1997.

**LEGISLATIVE BILL 881.** Introduced by Engel, 17; Robinson, 16; Dw. Pedersen 39.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,192, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 1996; to authorize the use of an automated traffic enforcement system for detection of moving traffic violations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 883.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend section 48-2114, Revised Statutes Supplement, 1996; to provide for waiver of a proposed administrative penalty as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 884.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to child custody; to amend section 42-364, Revised Statutes Supplement, 1996; to change custody determination provisions; and to repeal the original section.

**LEGISLATIVE BILL 885.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to child support; to amend sections 42-364, 42-364.16, 43-512.12, and 43-512.15, Revised Statutes Supplement, 1996; to provide that the Director of Research of the Legislature formulate and recommend child support guidelines to the Legislature; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 889.** Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Kiel, 9; Lynch, 13; Maurstad, 30; D. Pederson, 42.

A BILL FOR AN ACT relating to special schools; to provide a duty for the State Department of Education; and to declare an emergency.

## CARRYOVER RESOLUTIONS

**LEGISLATIVE RESOLUTION 1.** Introduced by Withem, 14.

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

To implement initiative measure 409 approved by the voters of Nebraska in November 1996, we, the people, and the Legislature, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V of the United States Constitution, to call a convention for proposing amendments to the United States Constitution.

**LEGISLATIVE RESOLUTION 2CA.** Introduced by Coordsen, 32.

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

Section 1. At the general election in November 1998 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 funds necessary to cover the increase as state aid to 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 to political subdivisions for certain programs or services mandated by the Legislature.

For

Against".

**LEGISLATIVE RESOLUTION 3.** Introduced by Maurstad, 30; Abboud, 12; Beutler, 28; Brashear, 4; Bromm, 23; Brown, 6; Bruning, 3; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Hilgert, 7; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kristensen, 37; Matzke, 47; McKenzie, 34; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Tyson, 19; Vrtiska, 1; Warner, 25; Wehrbein, 2; Witek, 31.

WHEREAS, the 104th Congress of the United States of America at its First Session, in both houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words:

JOINT RESOLUTION

Resolved by the Senate and House of Representatives of the Unites States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

ARTICLE

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

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

1. That such proposed amendment to the Constitution of the United States be and the same hereby is ratified.

2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto 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 5CA.** Introduced by Stuhr, 24; Janssen, 15; Robinson, 16; Schrock, 38; Vrtiska, 1; Witek, 31.

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

Section 1. At the general election in November 1998 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 "Regular ~~Beginning with the year 1975, regular~~ sessions of the Legislature shall be held ~~annually, commencing~~ for eighty legislative days and sixty legislative days on an alternating basis. Eighty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in December in each even-numbered year and sixty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in ~~January~~ December of each year. The terms of the members of the Legislature shall commence on the first day of the regular ninety-day legislative session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date. No more than five legislative days shall be spent in December during a regular session unless extended by the vote of four-fifths of all members of the Legislature. The duration of regular sessions held shall not exceed ~~ninety~~ eighty or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members ~~elected to~~ of 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 eighty-day regular session ~~held in an odd-numbered year~~ may be considered at the next regular sixty-day 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~~ of the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~shall~~ and choose its own officers, including a Speaker to preside when the Lieutenant Governor is ~~shall be~~ absent, incapacitated, or acts ~~shall act~~ as Governor. No member shall be expelled except by a vote of two-thirds of all members ~~elected to~~ of 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 date on which the Legislature will convene in regular sessions, the length of a legislative session, the date on which the terms of members will commence, and the date on which the terms of certain members will terminate.

For

Against".

**LEGISLATIVE RESOLUTION 6CA.** Introduced by Robinson, 16; Bohlke, 33.

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

Section 1. At the general election in November 1998 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 qualifications, 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.".

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 prescribe the qualifications for members of the State Board of Education.

For

Against".

LEGISLATIVE RESOLUTION 7CA. Introduced by Schimek, 27; Kristensen, 37; Warner, 25.

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

Section 1. At the general election in November 1998 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 and 3:

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. 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. Volunteer uncompensated circulator means a person who does not

receive compensation for collecting signatures other than reimbursement for travel and meals."

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. 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. 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. Volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals.".

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 method of calculating the number of signatures for initiative and referendum measures.

For

Against".

LEGISLATIVE RESOLUTION 12CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

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

Section 1. At the general election in November 1998 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 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. If ~~, 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 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 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 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 proposes 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 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 this Constitution if the votes cast in favor of such amendment at the election are not 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".

**LEGISLATIVE RESOLUTION 13CA.** Introduced by Warner, 25; Kristensen, 37; Withem, 14.

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

Section 1. At the general election in November 1998 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 29:

III-29 "(1). In order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, terrorist attack, or natural disaster upon ~~the United States, or the imminent threat thereof~~ this state, the Legislature shall have the power and the immediate duty, notwithstanding any other provision to the contrary in this Constitution, to provide by law for:

(a) The prompt and temporary succession to the powers and duties of all public offices, of whatever nature and whether filled by election or

appointment, the incumbents of which~~, after an attack, may be or become~~ are unavailable or unable to carry on the powers and duties of such offices;

(b) The convening of the Legislature into general or extraordinary session, upon or without call by the Governor. ~~, during or after a war or enemy caused disaster occurring in the United States; and, with respect to any~~ During such emergency session, the temporary suspension ~~or temporary change~~ of the provisions of this Constitution ~~or of general law~~ relating to the length and purposes of any legislative session or prescribing the specific proportion or number of legislators whose presence or vote is necessary to constitute a quorum or to accomplish any legislative act or function;

(c) The selection and changing from time to time of a temporary state seat of government, of temporary county seats, and of temporary seats of government for other political subdivisions; to be used; and ~~if made necessary by enemy attack or imminent threat thereof;~~

~~(d) The determination, selection, reproduction, preservation, and dispersal of public records necessary to the continuity of governmental operations in the event of enemy attack or imminent threat thereof; and~~

~~(e)~~ (d) Such other measures and procedures as may be necessary and proper for insuring the continuity of governmental operations. ~~in the event of enemy attack or imminent threat thereof.~~

(2). In the exercise of the powers hereinbefore conferred, the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that, in the judgment of the Legislature, so to do would be impracticable or would ~~admit of~~ cause undue delay.".

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 and eliminate legislative powers during periods of enemy attack, terrorist attack, or natural disaster upon the State of Nebraska and to eliminate references to legislative powers during periods of enemy attack upon the United States.

For

Against".

**LEGISLATIVE RESOLUTION 14CA.** Introduced by Warner, 25; Kristensen, 37; Withem, 14.

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

Section 1. At the general election in November 1998 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~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive such salary and

expenses as are determined by the Commission on Legislative Compensation. The commission shall consist of seven members appointed by the Governor, and shall meet each two years to establish such salary and expenses. The Legislature shall establish, by law, procedures to be followed by such commission. No serving member of the Legislature shall be on the commission. Members of the commission shall be disqualified from being elected or appointed to the Legislature for a period of four years after the termination of their service on the commission. ~~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~~ their 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 create the Commission on Legislative Compensation, to provide for the establishment of the salary and expenses of members of the Legislature, and to eliminate provisions which set legislative salaries and travel expenses.

For

Against".

**LEGISLATIVE RESOLUTION 15CA.** Introduced by Kristensen, 37; Schimek, 27; Warner, 25; Withem, 14.

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

Section 1. At the general election in November 1998 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 20 to Article XV:

XV-20 "(1) The use of the masculine gender in this Constitution shall be construed to include the feminine gender.

(2) The Revisor of Statutes shall cause this Constitution to be revised to conform to subsection (1) of this section when reprinting this Constitution.".

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 state that the use of the masculine gender in the Constitution be construed to include the feminine gender and to direct the Revisor of Statutes to revise the Constitution when reprinting it to conform with such construction.

For

Against".

**LEGISLATIVE RESOLUTION 16CA.** Introduced by Kristensen, 37; Warner, 25; Withem, 14.

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

Section 1. At the general election in November 1998 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, section 15:

"Article III, section 15, 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 eliminate the privilege from arrest granted to members of the Legislature.

For

Against".

LEGISLATIVE RESOLUTION 18CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

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

Section 1. At the general election in November 1998 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:

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 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~~ when a general law can be made applicable. The Legislature shall not grant any special or exclusive privileges, immunity, or franchise whatever to any corporation, association, or individual, except ~~; PROVIDED,~~ 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.~~ ".

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 special legislation and eliminate references to certain categories of special legislation.

For

Against".

**LEGISLATIVE RESOLUTION 19CA.** Introduced by Kristensen, 37; Warner, 25; Withem, 14.

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

Section 1. At the general election in November 1998 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 I, section 26:

I-26 "This enumeration of rights shall not be construed to impair or deny others, retained by the people, and all powers not herein delegated, remain with the people. The rights granted to the people in this Constitution are not to be construed as limited by the interpretation placed on similar provisions in the Constitution of the United States.".

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 rights granted by the Constitution of Nebraska are not to be construed as limited by interpretations placed on similar provisions of the Constitution of the United States.

For

Against".

**LEGISLATIVE RESOLUTION 23CA.** Introduced by Withem, 14.

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

Section 1. At the general election in November 1998 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 six hundred dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ their 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".

LEGISLATIVE RESOLUTION 24CA. Introduced by Kristensen, 37; Warner, 25.

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

Section 1. At the general election in November 1998 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, sections 1 and 28:

V-1 "The judicial power of the state shall be vested in a Supreme Court, an intermediate appellate court, district courts, ~~county courts, in and for each county, with one or more judges for each county or with one judge for two or more counties, as the Legislature shall provide,~~ and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof."

V-28 "The Legislature shall provide for a Commission on Judicial Qualifications consisting of: (1) Three judges, including one district court judge~~, one county court judge, and one judge~~ and two judges of any other court inferior to the Supreme Court as now exists or may hereafter be created by law, all of whom shall be appointed by the Chief Justice of the Supreme Court; (2) three members of the Nebraska State Bar Association who shall have practiced law in this state for at least ten years and who shall be appointed by the Executive Council of the Nebraska State Bar Association; (3) three citizens, none of whom shall be a Justice or Judge of the Supreme Court or judge of any court, active or retired, nor a member of the Nebraska State Bar Association, and who shall be appointed by the Governor; and (4) the Chief Justice of the Supreme Court, who shall serve as its chairperson.".

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 a reference to the appellate court and eliminate certain references to county courts and county court judges in the Constitution.

For

Against".

**LEGISLATIVE RESOLUTION 25CA.** Introduced by Kristensen, 37; Warner, 25; Withem, 14.

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

Section 1. At the general election in November 1998 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 14:

CIII-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected to the Legislature vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject 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. The ~~Lieutenant Governor, or the Speaker if acting as~~ presiding officer; shall sign, in the presence of the Legislature while it is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

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 presiding officer shall sign bills and resolutions passed by the Legislature.

For

Against".

**LEGISLATIVE RESOLUTION 27CA.** Introduced by Withem, 14; Kristensen, 37; Warner, 25.

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

Section 1. At the general election in November 1998 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, 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, or cases involving the Governor personally. ~~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, 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 eliminate the constitutional provisions establishing the Board of Parole and to eliminate the Board of Pardons and grant sole pardon authority to the Governor.

For

Against".

**LEGISLATIVE RESOLUTION 28CA.** Introduced by Withem, 14; Kristensen, 37; Warner, 25.

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

Section 1. At the general election in November 1998 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 transfer Article XVII, section 6:

~~XVII-6~~ III-31 "The Legislature shall pass all laws necessary to carry into effect the provisions of this constitution.".

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 transfer a provision from Article XVII, entitled 'Schedule', to Article III, entitled 'Legislative Power'."

For

Against".

**LEGISLATIVE RESOLUTION 29CA.** Introduced by Withem, 14; Kristensen, 37; Warner, 25.

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

Section 1. At the general election in November 1998 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 XVII, section 9:

"Article XVII, section 9, 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 repeal the requirements that the Constitution be enrolled and deposited in the Secretary of State's office and that printed

copies of the Constitution be prefixed to books containing the laws of this state.

For

Against".

**LEGISLATIVE RESOLUTION 31CA.** Introduced by Brown, 6; Engel, 17; Warner, 25.

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

Section 1. At the general election in November 1998 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 X, sections 1 and 3, and repeal Article IV, section 20:

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 no case shall any consolidation~~ unless it complies with such requirements as the Legislature requires by law. No consolidation shall 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."

"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 eliminate references to the Public Service Commission and the Railway Commission.

For

Against".

**LEGISLATIVE RESOLUTION 36CA.** Introduced by Withem, 14; Kristensen, 37; Warner, 25.

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

Section 1. At the general election in November 1998 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 legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session

held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the 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 eliminate certain contempt powers of the Legislature.

For

Against".

LEGISLATIVE RESOLUTION 37. Introduced by Kristensen, 37.

WHEREAS, targeted business incentive programs have proliferated into a counterproductive economic war between the states and now form the cornerstone of state-sponsored economic development policies; and

WHEREAS, these programs fail to promote healthy and equitable statewide economic growth and, in reality, result in states engaging in economic warfare by moving businesses from one location to another both within and between states, with no significant economic benefit in the aggregate; and

WHEREAS, America's future in the global economy lies within its educational, industrial, technological, and research capabilities throughout the entire fifty states; and

WHEREAS, disarmament of wasteful programs can be achieved through a combination of new state and federal policies; and

WHEREAS, states would be better off providing a less burdensome tax climate for all businesses and a quality educational system geared to providing an adequately trained and ready work force, support for research and development, and a quality transportation system, along with other high-quality traditional government services; and

WHEREAS, efforts are currently under way in the United States Congress to identify and eliminate federally funded programs that are used by the states to escalate this economic warfare.

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

1. That the Legislature strongly urges the Nebraska Congressional delegation to embrace and support efforts in the United States Congress such as H.R. 1842 and other legislative initiatives that will begin to mitigate this economic warfare.

2. That the Legislature strongly urges the governors and other legislatures in the respective states to promulgate this message.

3. That the Clerk of the Legislature send copies of this resolution to the members of the Nebraska Congressional delegation, to the Speaker and Clerk

of the United States House of Representatives, to the President Pro Tempore and Secretary of the United State Senate, and to the governors and the appropriate officers of the legislatures of all the other states.

LEGISLATIVE RESOLUTION 38CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

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

Section 1. At the general election in November 1998 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 and 3:

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 execute their signatures before such person and at such location as provided by law. In all cases the petition shall be signed by not less than three ~~be so distributed as to include five~~ percent of the registered voters of each of ~~two-fifths~~ a majority 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~~ eight 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 "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 registered voters of the state~~, distributed as required for initiative petitions~~, and shall include signatures of not less than three percent of the registered voters of each of a majority of the counties of the state. The registered voters signing such petition shall execute their signatures before such person and at such location as provided by law. Signed petitions shall be 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. Each such ~~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~~ including signatures of not less than three percent of the registered voters of each of a majority of the counties of 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.".

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 prescribe requirements for signing initiative and referendum petitions, to change the distribution of the number of signatures required on initiative and referendum petitions, and to change filing requirements for initiative petitions.

For

Against".

**LEGISLATIVE RESOLUTION 41CA.** Introduced by Robinson, 16; Coordsen, 32; Dierks, 40; Kristensen, 37; Schellpeper, 18; Schimek, 27; Warner, 25; Withem, 14.

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

Section 1. At the general election in November 1998 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 and 3:

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. Each proposed measure shall contain only one subject. 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."

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. 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. Each petition shall refer to only one act or portion of one act of the Legislature. 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.".

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 and referendum measures to contain or refer to only one subject or act of the Legislature.

For

Against".

LEGISLATIVE RESOLUTION 42CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

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

Section 1. At the general election in November 1998 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 I, section 27:

I-27 "The English language is hereby declared to be the official language of this state. All ~~, and all~~ official proceedings, records, and publications shall be in such language. The ~~, and the~~ common school branches shall be taught in ~~said~~ the English language in public~~, private, denominational and parochial~~ schools.".

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 reference to 'public, private, denominational and parochial' schools.

For

Against".

LEGISLATIVE RESOLUTION 43CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

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

Section 1. At the general election in November 1998 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, sections 1, 10, and 12:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, and the heads of such other executive departments as set forth ~~herein~~ in this Constitution 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 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, and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided ~~herein~~ in this Constitution or by law, shall be appointed by the Governor. Officers ~~, with the consent of a majority of all members elected to the Legislature, but officers~~ so appointed may be removed by the Governor at any time with or without cause. The Legislature may provide by law for legislative confirmation of appointments made for a specific term as provided in section 12 of this article. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

IV-10 "The Governor shall appoint ~~with the approval of a majority of the Legislature,~~ all persons whose offices are established by ~~the~~ this Constitution, or which may be created by law for a specific term, and whose appointment or election is not otherwise provided for in this Constitution or by law. No ~~or herein provided for; and no~~ such person shall be appointed or elected by the Legislature. The Governor shall have power to remove, for cause and after a public hearing, any person whom he or she may appoint for a term except officers provided for in Article V of ~~the~~ this Constitution, and ~~he~~ the Governor may declare ~~his~~ the office vacant, and fill the same as ~~herein~~ provided ~~as~~ in section 12 of this article. ~~other cases of vacancy.~~ The Governor shall have power to remove any other person whom he or she appoints at any time ~~and for any reason~~ with or without cause. The Legislature may provide by law for legislative confirmation of appointments made for a specific term as provided in section 12 of this article. The Governor may withdraw and rescind from consideration any appointment requiring legislative confirmation up to the point of the confirmation vote of the Legislature on the appointee."

IV-12 "If any ~~nonelective~~ state office filled by appointment for a specific term, except offices provided for in Article V of this Constitution, ~~shall be~~ is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill that office by appointment.

The Legislature shall determine by law which offices filled by appointment by the Governor for a specific term require confirmation by a majority of the Legislature. By January 1, 2002, the Legislature shall identify in law those existing offices filled by appointment by the Governor for a specific term

which thereafter will require legislative confirmation. For offices filled by appointment by the Governor for a specific term created after the adoption of this provision, the Legislature shall, at the time of creation of the offices, identify which offices require legislative confirmation. ~~If the Legislature is in session, such appointment shall be subject to the approval of a majority of the members of the Legislature. If the Legislature is not in session~~ If an appointment requires legislative confirmation, the Governor shall make a temporary appointment. ~~until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right to approve or disapprove the appointment. All appointees shall hold their office until their successors shall be appointed and qualified.~~ Any person receiving a temporary appointment shall exercise the authority of the office as if confirmed. The Legislature shall have thirty consecutive legislative days, in one or more regular or special legislative sessions, to act on any appointment requiring confirmation. A majority vote of the Legislature shall be required to approve such appointment. If the Legislature fails to vote upon an appointment within such thirty-day period, the temporary appointee shall be considered confirmed. No person after being rejected by the Legislature shall be again nominated for the same office at the same session, unless at request of the Legislature, or be appointed to the same office during the recess or adjournment of the Legislature.".

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 provisions relating to legislative confirmation of gubernatorial appointments.

For

Against".

**LEGISLATIVE RESOLUTION 44CA.** Introduced by Warner, 25.

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

Section 1. At the general election in November 1998 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 IV, section 20, and Article X, sections 1 to 8:

"Article IV, section 20, and Article X, sections 1 to 8, 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 eliminate provisions relating to the Public Service Commission and provisions relating to common carriers and public utility corporations.

For

Against".

**LEGISLATIVE RESOLUTION 45CA.** Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8; and Maurstad, 30.

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

Section 1. At the general election in November 1998 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 1:

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. The ~~; PROVIDED, that such~~ tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~counties,~~ county and the 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) 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.".

Sec. 2. At the general election in November 1998 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 1, and Article XV, section 18:

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, 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."

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.".

Sec. 3. At the general election in November 1998 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 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.".

Sec. 4. At the general election in November 1998 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, 4, and 6, Article IX, section 4, Article XI, section 1, and Article XVII, section 4, and repeal Article IX, section 5:

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 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."

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. 5. The proposed amendments 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 a restriction on allocation of proceeds from motor vehicle taxes.

For

Against".

"A constitutional amendment to authorize the Legislature to provide for differences in tax rates within and outside municipalities and to authorize legislation relating to mergers and consolidations by local governments.

For

Against".

"A constitutional amendment 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.

For

Against".

"A constitutional amendment to repeal and eliminate provisions dealing with township organization and towns.

For

Against".

**LEGISLATIVE RESOLUTION 52CA.** Introduced by Hillman, 48; Brown, 6; Engel, 17; Maurstad, 30; Robinson, 16.

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

Section 1. At the general election in November 1998 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 methods for governing counties and procedures for classifying, merging, consolidating, and dissolving counties and altering their boundaries. The Legislature may provide optional or alternative forms of government that counties or combinations of counties may adopt, amend, or abandon by a majority vote of those voting on the question. The Legislature may provide for at least two optional forms of county government:

(1) One of the options shall provide for the election of a governing board consisting of at least three county commissioners and such elected county officials as determined to be appropriate by the Legislature; and

(2) Another option shall provide for the election of a governing board consisting of at least three county commissioners, the appointment of a county administrator by the governing board, and the appointment of other county officials as determined to be appropriate by the Legislature. ~~by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties; PROVIDED, that each of the counties affected may disapprove such consolidation by a majority vote in each of such counties.~~".

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 provisions relating to county and township officers and to require the Legislature to provide methods for governing and procedures for classifying, merging, consolidating, and dissolving counties.

For

Against".

**LEGISLATIVE RESOLUTION 53.** Introduced by Schimek, 27; Beutler, 28; Robak, 22; Vrtiska, 1.

WHEREAS, on the 25th of September in 1789, the 1st Congress of the United States offered as Article 2 of the original Bill of Rights to the Federal Constitution, a constitutional amendment for consideration by the state legislatures delaying any variances in the compensation of Members of Congress until an election of the United States House of Representatives has first intervened; and

WHEREAS, during the forenoon on the 7th of May in 1992, the Legislature of the State of Michigan provided the 38th and, therefor, determinative ratification of this 207-year-old constitutional amendment; and

WHEREAS, on the 18th of May in 1992, the Archivist of the United States issued a proclamation declaring the then 203-year-old constitutional amendment to have been duly approved by the requisite number of state legislatures pursuant to Article 5 of the United States Constitution, which proclamation was then reproduced in Volume 57 of the Federal Register at pages 21187 and 21188; and

WHEREAS, within 48 hours of the Archivist's actions, both houses of the 102nd Congress did adopt resolutions, by roll-call votes, concurring with the Archivist's conclusion that the proposal had in fact become Amendment 27 to the United States Constitution; and

WHEREAS, after the Michigan's Legislature's pivotal 38th approval of Amendment 27, the legislatures of California, Hawaii, Illinois, Kentucky, New Jersey, Rhode Island, and Washington saw fit to post-ratify it; and

WHEREAS, in general, it is not unusual for a state's legislature to post-ratify an amendment that has already become part of the United States Constitution. In addition to the legislatures of those states listed in the preceding paragraph, the legislatures of Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, North Carolina, Oregon, South Carolina, and Virginia have likewise post-ratified various amendments to the Federal Constitution; and

WHEREAS, until now, Nebraska had been among the handful of states whose legislatures have not, as of yet, approved Amendment 27 to the Nation's highest legal document -- even though the Nebraska State Constitution contains a provision parallel to Amendment 27; and

WHEREAS, it is important that Nebraska place its special imprint upon Amendment 27, as has been done by the legislatures of 45 other states.

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

1. That the amendment to the Constitution of the United States delaying any variances in the compensation of Members of Congress, until an election of the United States House of Representatives has first intervened, is hereby post-ratified, which reads more particularly as follows:

Amendment 27

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

2. That properly-endorsed copies of this resolution, attested by the Secretary of State of the State of Nebraska, with the Great Seal of Nebraska attached thereto, be forwarded by the Secretary of State to the following officials in Washington, D.C.: The Archivist of the United States, the Vice-President of the United States, and the Speaker of the United States House of Representatives with the respectful request that this resolution be reproduced in the Congressional Record.

LEGISLATIVE RESOLUTION 54. Introduced by Preister, 5.

WHEREAS, a Constitution which protects our personal security is the heart of the American system; and

WHEREAS, the Constitution of the United States seeks to ensure that each person is free of the threat of attack and free of actions by others that diminish life, liberty, health, or property or that prevent the "pursuit of happiness"; and

WHEREAS, we are the custodians of the health of our children and of future generations whose ability to breathe clean air, drink healthful water, and enjoy America's many wilderness areas and natural resources is in danger; and

WHEREAS, a constitutional remedy is necessary to accomplish this goal.

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

1. That the Nebraska Legislature proposes to the Congress of the United States that procedures be instituted in the Congress to add a new section to the Constitution of the United States and requests the Congress to prepare and submit to the several states the following amendment to the Constitution of the United States:

The natural resources of the nation are the heritage of present and future generations. The rights of each person to clean and healthful air and water and to the protection of the other natural resources of the nation shall not be infringed upon by any person.

2. That the Clerk of the Legislature shall send copies of this resolution to the Nebraska Congressional Delegation, to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other States of the Union, to the Clerk of the United States House of Representatives, Washington, D.C., and to the Secretary of the United States Senate, Washington, D.C.

LEGISLATIVE RESOLUTION 55CA. Introduced by Withem, 14; Kristensen, 37; Warner, 25.

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

Section 1. At the general election in November 1998 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 1, 5, and 7, and Article V, section 25:

III-1 "~~Commencing with the regular session of the Legislature to be held in January, nineteen hundred and thirty-seven, the~~ The legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves~~, however,~~ the power to propose laws~~,~~ and amendments to the ~~constitution,~~ Constitution and to enact or reject the same at the polls, independent of the Legislature, which power shall be called the power of initiative. The people ~~and~~ also reserve power at their own option to approve

or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum. ~~All authority vested by the constitution or laws of the state in the Senate, House of Representatives, or joint session thereof, in so far as applicable, shall be and hereby is vested in said Legislature of one chamber. All provisions in the constitution and laws of the state relating to the Legislature, the Senate, the House of Representatives, joint sessions of the Senate and House of Representatives, Senator, or member of the House of Representatives, shall, in so far as said provisions are applicable, apply to and mean said Legislature of one chamber hereby created and the members thereof. All references to Clerk of House of Representatives or Secretary of Senate shall mean, when applicable, the Clerk of the Legislature of one chamber. All references to Speaker of the House of Representatives or temporary president of the Senate shall mean Speaker of the Legislature. Whenever any provision of the constitution requires submission of any matter to, or action by, the House of Representatives, the Senate, or joint session thereof, or the members of either body or both bodies, it shall after January first, nineteen hundred and thirty-seven, be construed to mean the Legislature herein provided for.~~"

III-5 "The ~~At the regular session of the Legislature held in the year nineteen hundred and thirty-five the~~ Legislature shall by law determine the number of members to be elected and divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature."

III-7 "All ~~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 of the Legislature 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~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed 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~~ their salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

V-25 "For the effectual administration of justice and the prompt disposition of judicial proceedings, the supreme court may promulgate rules of practice and procedure for all courts, uniform as to each class of courts, and not in conflict with laws governing such matters. To the same end, the court may, and when requested by the Legislature by ~~joint~~ resolution, shall, certify to the

Legislature; its conclusions as to desirable amendments or changes in the general laws governing such practice and proceedings.".

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 identify the powers of initiative and referendum and to remove obsolete language.

For

Against".

**LEGISLATIVE RESOLUTION 58CA.** Introduced by Crosby, 29.

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

Section 1. At the general election in November 1998 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 and the executive state offices listed in this section, shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill that office by appointment, and the appointee shall hold the office until his or her successor shall be elected and qualified in such manner as may be provided by law.

If the office of Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, or Attorney General shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill that office by appointment with the approval of a majority of the Legislature, and the appointee shall hold the office for the remainder of the term.".

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 legislative approval of gubernatorial appointments to vacated executive state offices.

For

Against".

**LEGISLATIVE RESOLUTION 59CA.** Introduced by Beutler, 28.

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

Section 1. At the general election in November 1998 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 60CA.** Introduced by Kristensen, 37.

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

Section 1. At the general election in November 1998 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 17:

III-17 "(1) The Legislature shall have the sole power of impeachment, but a majority of the members elected must concur therein. Proceedings may be initiated in either a regular session or a special session of the Legislature. Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Clerk of the Legislature, who shall thereupon call a session of the Supreme Court to meet at the Capitol in an expeditious fashion after such notice to try the impeachment. A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the Legislature, upon the clerk of the judicial district within which the Capitol is located, and he or she thereupon shall choose, at random, seven Judges of the District Court in the State to meet within thirty

days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside. The case against the impeached civil officer shall be brought in the name of the Legislature and shall be managed by two senators, appointed by the Legislature, who may make technical or procedural amendments to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his or her official duties after he or she shall have been impeached and notified thereof, until he or she shall have been acquitted.

(2) A member of the Legislature is subject to recall from office by the voters of the senator's district. The grounds for recall shall be a serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction of a serious crime during the term of office. The petition shall set forth the specific conduct that may warrant a recall. A petition shall not issue until the Supreme Court has determined that the facts alleged in the petition are true and are sufficient grounds for issuing a recall petition. A petition may only be circulated and signed by registered voters who reside in the district that the senator represents. A petition for recall must contain signatures of registered voters equal to or exceeding twenty-five percent of the number of votes cast for the office at the most recent general or special election. Upon determination by the Secretary of State that a petition has been signed by at least the minimum number of registered voters, a recall election must be conducted in the manner provided by law. A petition for recall may not circulate, nor shall a recall election be held, less than six months before the end of the senator's term. A senator who is removed from office by recall or who resigns from office after a petition for recall issues may not be appointed to fill the vacancy that is created.".

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 recall of members of the Legislature.

For

Against".

**LEGISLATIVE RESOLUTION 62CA.** Introduced by Maurstad, 30.

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

Section 1. At the general election in November 1998 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 "Revenue collected from motor vehicle fuel taxes, motor vehicle license fees, and motor vehicle sales and use taxes shall constitute a trust fund which may only be used for construction, reconstruction, maintenance, and

repair of public highways and bridges and county, city, and village roads, streets, bridges, public transportation services, and offstreet public parking, payment of the interest on and retirement of bonds issued for such construction, reconstruction, maintenance, and repair, refunds of the fees or taxes paid, and administering laws under which the revenue is derived. Any program receiving funding as of January 1, 1997, from revenue collected from motor vehicle fuel taxes, motor vehicle license fees, and motor vehicle sales and use taxes may continue to be funded with such revenue on and after such date as the Legislature determines.".

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 that revenue from motor vehicle fuel taxes, license fees, and sales and use taxes only be used for construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, and village roads, streets, bridges, public transportation services, and offstreet public parking, payments on bonds used to fund such construction, reconstruction, maintenance, and repair, refund payments, and administrative costs and to authorize continued use of such revenue for programs funded on January 1, 1997.

For

Against".

**LEGISLATIVE RESOLUTION 88.** Introduced by Beutler, 28; Hilgert, 7; D. Pederson, 42; Abboud, 12; Bruning, 3; Bromm, 23; Wickersham, 49; Kristensen, 37; Matzke, 47; Will, 8; Brashear, 4.

WHEREAS, it is the intent of the Legislature that a decision of the Court of Appeals made on a question of law arising in a case before it and necessary to the determination of the case is binding authority or precedent in the same court or in courts and tribunals of lower rank in subsequent cases in which the very point is again in controversy; and

WHEREAS, the statutes creating the Court of Appeals intend such court to function as a doctrinal court; and

WHEREAS, the functioning of the Court of Appeals as a doctrinal court with stare decisis function to lower courts does not change the position of the Supreme Court as the court of final authority on issues of Nebraska state law.

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

1. That the Legislature encourages the Supreme Court to recognize the precedential value of the opinions of the Court of Appeals for lower courts and tribunals when appropriate to effectuate the intent of the Legislature expressed in this resolution.

2. That a copy of this resolution be delivered to the Supreme Court.

**LEGISLATIVE RESOLUTION 108.** Introduced by Maurstad, 30.

WHEREAS, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than five trillion dollars; and

WHEREAS, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenue; and

WHEREAS, the growing national debt artificially inflates interest rates, which in turn increases the cost of purchasing a home, an automobile, a college education, and other staples of the American Dream; and

WHEREAS, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the United States Constitution; and

WHEREAS, the United States Constitution vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures, and opposition by a small minority repeatedly has thwarted the will of the people that a Balanced Budget Amendment to the United States Constitution should be submitted to the states for ratification; and

WHEREAS, the Legislature of the State of Nebraska prefers that a constitutional convention not be called to address this issue and the implementation of this resolution by Congress will effectively eliminate the necessity for such a convention.

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

1. That the Legislature requests the Congress of the United States to expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the United States Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That the Clerk of the Legislature transmit copies of this resolution to the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, each Member of the Nebraska Congressional Delegation, and the Secretaries of State and the presiding officers of both houses of the legislatures of each of the several states.

# FIRST DAY - JANUARY 7, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 7, 1998

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Fifth 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 7, 1998, was called to order by President Robak.

## PRAYER

The prayer was offered by Father Paul Colling, Our Lady of Guadalupe Parish, Scottsbluff, Nebraska.

## PRESENTATION OF COLORS

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

## ROLL CALL

The roll was called and the following members were present:

Abboud, Chris
Beutler, Chris
Bohlke, Ardyce L.
Brashear, Kermit A.
Bromm, Curt
Brown, Pam
Bruning, Jon C.
Chambers, Ernie
Coordsen, George
Crosby, LaVon
Cudaback, Jim D.
Dierks, Merton L.
Elmer, W. Owen
Engel, Leo Patrick
Hartnett, D. Paul
Hilgert, John A.
Hillman, Joyce
Hudkins, Carol
Janssen, Ray
Jensen, Jim
Jones, Jim
Kiel, Shelley
Kristensen, Douglas A.
Landis, David M.
Lynch, Daniel C.
Matzke, Gerald E.
Maurstad, David I.
Pedersen, Dwite A.
Pederson, Donald W.
Peterson, Chris
Preister, Donald G.
Raikes, Ronald E.
Robak, Jennie
Robinson, C. N. Bud
Schellpeper, Stan
Schimek, DiAnna R.
Schmitt, Jerry
Schrock, Edward J.
Stuhr, Elaine
Suttle, Deb
Thompson, Nancy P.
Tyson, Gene
Vrtiska, Floyd P.
Wehrbein, Roger R.
Wesely, Don
Wickersham, Bob
Will, Eric J.
Willhoft, Jerry D.
Witek, Kate

## MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 7, 1998.

The motion prevailed.

## RESIGNATION

July 17, 1997

Honorable E. Benjamin Nelson
State Capitol
Lincoln, NE 68509

Dear Governor Nelson:

I would like to inform you that I am resigning my seat in the Nebraska Unicameral representing District #34 effective July 31, 1997.

It has been an honor to serve the citizens of District 34 and to have worked with you and the administration during my tenure.

Sincerely,
(Signed) Janis McKenzie
District 34

cc: Senator Ron Withem, Speaker
Patrick J. O'Donnell, Clerk

## MESSAGE FROM THE GOVERNOR

August 27, 1997

Madam President, Speaker Withem,
and Members of the Legislature

Dear Madam President, Speaker Withem, and Senators:

On this date I have appointed Jerry D. Willhoft to fill the vacancy in the 34th Legislative District created by the resignation of Senator Janice McKenzie. The appointment will take effect August 27, 1997.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

## GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E. Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do hereby appoint Jerry D. Willhoft as a member of the Nebraska Unicameral Legislature, District 34.

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 27, 1997 and continue until January 6, 1999 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

(Signed) Scott Moore
Secretary of State

## MESSAGE FROM THE SECRETARY OF STATE

August 27, 1997

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Jerry D. Willhoft, as a Member of the Legislature from the Thirty-Fourth District for the unexpired term of Janis McKenzie, 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 Jerry D. Willhoft has been appointed as a Member of the Nebraska Unicameral Legislature from the Thirty-Fourth District for the unexpired term of Janis McKenzie, resigned. The term beginning August 27, 1997, shall continue until January 6, 1999, 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 Twenty-seventh day of August in the year of our Lord, one thousand nine hundred and ninety-seven.

(SEAL) Scott Moore, Secretary of State

**OFFICIAL OATH**

STATE OF NEBRASKA )
) ss.
COUNTY OF LANCASTER )

"I, Jerry Willhoft, 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, 34th District 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) Jerry D. Willhoft

Subscribed in my presence and sworn to before me this 27th day of August, 1997.

(Signed) Greg Lemon
Deputy, Secretary of State

(SEAL)
*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature.

## RESIGNATION

October 30, 1997

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

Dear Governor Nelson:

Please let this letter serve as notice of my resignation from the Nebraska Legislature, effective 8:00 a.m., November 24, 1997.

I have enjoyed serving constituents of the 14th Legislative District and the state of Nebraska in my role as a state senator since January 1983, and in my role as speaker since January of 1994.

I have enjoyed working with you and the members of your administration and am willing to offer any assistance necessary to ensure a smooth transition to office for the next senator representing the 14th legislative district.

Sincerely,
(Signed) Ron Withem
District 14

## MESSAGE FROM THE GOVERNOR

November 26, 1997

Madam President, Speaker
and Members of the Legislature

Dear Madam President, Speaker and Senators:

On this date I have appointed Nancy P. Thompson to fill the vacancy in the 14th Legislative District created by the resignation of Senator Ron Withem. The appointment will take effect November 26, 1997.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E. Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do

hereby appoint Nancy P. Thompson as a member of the Nebraska Unicameral Legislature, District 14.

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 November 26, 1997 and continue until January 6, 1999 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

(Signed) Scott Moore
Secretary of State

## MESSAGE FROM THE SECRETARY OF STATE

November 26, 1997

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Nancy P. Thompson, as a Member of the Legislature from the Fourteenth District for the unexpired term of Ron Withem, 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 Nancy P. Thompson has been appointed as a Member of the Nebraska Unicameral Legislature from the Fourteenth District for the unexpired term of Ron Withem, resigned. The term beginning November 26, 1997, shall

continue until January 6, 1999, or such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor 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 Twenty-sixth day of November in the year of our Lord, one thousand nine hundred and ninety-seven.

(SEAL) Scott Moore, Secretary of State

**OFFICIAL OATH**

STATE OF NEBRASKA )
) ss.
COUNTY OF LANCASTER )

"I, Nancy P. Thompson, 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, 14th District 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) Nancy P. Thompson

Subscribed in my presence and sworn to before me this 26th day of November, 1997.

(Signed) Scott Moore
Secretary of State

(SEAL)
*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature.

## 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-Fifth Legislature, Second Session, 1998.

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-Fifth Legislature, Second Session, 1998.

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

(SEAL) Scott Moore, Secretary of State

| | | |
|---|---|---|
| 1 | Floyd P. Vrtiska | November 5, 1996 |
| 2 | Roger R. Wehrbein | November 8, 1994 |
| 3 | Jon C. Bruning | November 5, 1996 |
| 4 | Kermit A. Brashear | November 8, 1994 |
| 5 | Donald G. Preister | November 5, 1996 |
| 6 | Pam Brown | November 8, 1994 |
| 7 | John Hilgert | November 5, 1996 |
| 8 | Eric J. Will | November 8, 1994 |
| 9 | Shelley Kiel | November 5, 1996 |
| 10 | Deborah S. Suttle | Appointed January 8, 1997 |
| 11 | Ernie Chambers | November 5, 1996 |
| 12 | Chris Abboud | November 8, 1994 |
| 13 | Daniel C. Lynch | November 5, 1996 |
| 14 | Nancy P. Thompson | Appointed November 26, 1997 |
| 15 | Ray Janssen | November 5, 1996 |
| 16 | C. N. Bud Robinson | November 8, 1994 |
| 17 | L. Patrick Engel | November 5, 1996 |
| 18 | Stan Schellpeper | November 8, 1994 |
| 19 | Gene Tyson | November 5, 1996 |

| | | |
|---|---|---|
| 20 | Jim Jensen | November 8, 1994 |
| 21 | Carol Hudkins | November 5, 1996 |
| 22 | Jennie Robak | November 8, 1994 |
| 23 | Curt Bromm | November 5, 1996 |
| 24 | Elaine Stuhr | November 8, 1994 |
| 25 | Ronald E. Raikes | Appointed May 15, 1997 |
| 26 | Don Wesely | November 8, 1994 |
| 27 | DiAnna R. Schimek | November 5, 1996 |
| 28 | Chris Beutler | November 8, 1994 |
| 29 | LaVon Crosby | November 5, 1996 |
| 30 | David I. Maurstad | November 8, 1994 |
| 31 | Kate Witek | November 5, 1996 |
| 32 | George Coordsen | November 8, 1994 |
| 33 | Ardyce Bohlke | November 5, 1996 |
| 34 | Jerry D. Willhoft | Appointed August 27, 1997 |
| 35 | Chris Peterson | November 5, 1996 |
| 36 | Jim D. Cudaback | November 8, 1994 |
| 37 | Douglas A. Kristensen | November 5, 1996 |
| 38 | Ed Schrock | November 8, 1994 |
| 39 | Dwite A. Pedersen | November 5, 1996 |
| 40 | Merton L. Dierks | November 8, 1994 |
| 41 | Jerry Schmitt | November 5, 1996 |
| 42 | Donald W. Pederson | November 5, 1996 |
| 43 | Jim Jones | November 5, 1996 |
| 44 | W. Owen Elmer | November 8, 1994 |
| 45 | D. Paul Hartnett | November 5, 1996 |
| 46 | David M. Landis | November 8, 1994 |
| 47 | Gerald E. Matzke | November 5, 1996 |
| 48 | Joyce Hillman | November 8, 1994 |
| 49 | Bob Wickersham | November 5, 1996 |

## MESSAGES FROM THE GOVERNOR

June 16, 1997

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

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Ethanol Board.

APPOINTEE: Michael P. Alberts, 2004 East 24th Road, Marquette, NE 68854

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

June 16, 1997

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: Andrea Nelson, 2430 South Canterbury Lane, Lincoln, NE 68512

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

June 23, 1997

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 as the Chief Medical Officer.

APPOINTEE: Dr. Charles E. Andrews, Health & Human Services, State Office Building, Lincoln, NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 18, 1997

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 Foster Care Review Board.

APPOINTEES:
Carlene Bourn, 7511 Cooper Avenue, Lincoln, NE 68506
Steven Renteria, 524 South 118th Street, Omaha, NE 69154

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 14, 1997

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 as a member of the Nebraska Accountability and Disclosure Commission.

APPOINTEE: Robert J. Sivick, 3521 Pine Street, Omaha, NE 68105

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 15, 1997

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 Game and Parks Commission.

APPOINTEE: Robert D. Coupland, Box 150, Valentine, NE 69201

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 15, 1997

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 Nebraska Motor Vehicle Industry Licensing Board.

APPOINTEE: Stephan Budke, Budke Motors, 1108 Rodeo Road, North Platte, NE 69101

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 26, 1997

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 Ethanol Board.

APPOINTEE: Ronald Stoddard, P.O. Box 21, Hebron, NE 68370

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 26, 1997

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 Ethanol Board.

APPOINTEE: Clinton K. Jensen, Route 2, Box 143, Aurora, NE 68818

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 26, 1997

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: Michael D. Shannon, 1105 Meadowlark, Alliance, NE 69301

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 26, 1997

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 Parole.

APPOINTEE: James A. Pearson, 5217 South 62nd Street, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 24, 1997

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 Investment Council.

APPOINTEE: Bruce W. Bisson, 12779 Hamilton Street, Omaha, NE 68154

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 24, 1997

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 Oil and Gas Conservation Commission.

APPOINTEES:
Thomas M. Sonntag, 1024 6th Avenue, Sidney, NE 69162
Marquis Reed Gilmore, 6 Crestwood Drive, Kimball, NE 69145

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 24, 1997

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 Nebraska Highway Commission.

APPOINTEES:
John McClellan, Jr., P. O. Box 250, Gering, NE 69341
Donna M. Wanitschke, P. O. Box 241, Doniphan, NE 68832

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 24, 1997

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 Motor Carrier Advisory Council.

APPOINTEE: James A. Travilik, 5924 South 17th Circle, Omaha, NE 68135

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 24, 1997

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 Railway Council.

APPOINTEE: Robert J. Kelly, Box 153, Sidney, NE 69162

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 7, 1997

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: Robert E. Mundy, 10205 Brookside Lane, Omaha, NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 7, 1997

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:
Michael Sitorius, M.D., 8115 Jackson Street, Omaha, NE 68114
Marcia M. Freer, 1424 Ivy Avenue, Crete, NE 68333
Janet Fletcher, Route 1, Box 8J, O'Neill, NE 68763
Diane Schlotman, RR 1, Box 23, Milford, NE 68405
Donald R. Frey, M.D., 22412 Schram Road, Gretna, NE 68028
Donald Klitgaard, M.D., 6852 South 52nd Street, Lincoln, NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 21, 1997

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 Coordinating Commission for Postsecondary Education.

APPOINTEES:
Dr. Helen E. Morten, 9115 Pioneer Court, Lincoln, NE 68520
Keith W. Vrbicky, M.D., 500 William, Norfolk, NE 68701

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 21, 1997

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:
Gail Yanney, 6520 Rainwood Road, Omaha, NE 68152
Ann O'Hara, 1620 Skyline Drive, Lincoln, NE 68506
Gretchen Peters, 1850 Bonanza, Gering, NE 69341
Louise "Peppy" Bahr, 2717 South August, Grand Island, NE 68801

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 30, 1997

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 Emergency Medical Services.

APPOINTEES:
Michael Westcott, M.D., 9742 Ascot Drive, Omaha, NE 68114
Doak P. Doolittle, M.D., 1135 McMillian Street, Holdrege, NE 68949
Rex Scott, 5010 Happy Hollow Lane, Lincoln, NE 68516
Dallas Schaffer, 2209 Avenue H, Scottsbluff, NE 69361
Alice Dalton, 7075 Iowa Street, Omaha, NE 68512
Joe Schaefer, 480 East 2nd Street, Harrison, NE 69345
Sharon Stumpf, P. O. Box 478, Grant NE 69140
Bruce Beins, Rt. 1, Box 60A, Republican City, NE 68971
William Madison, 2845 Woodsdale Blvd., Lincoln, NE 68502
William Heime, Rt. 1, Box 121, Waco, NE 68460
Melanie Cheney, 160 Monroe, Bennet, NE 68317
Chris Becker, Rt. 1, Box 1A, Alma, NE 68920
Gerald E. Matzke, Jr., M.D., 2040 Parkview Drive, Seward, NE 68434

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 3, 1997

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 Emergency Medical Services.

APPOINTEES:
Mike Grutsch, 1007 Central Street, Oxford, NE 68967
Robert McDonnell, 8038 Wirt Circle, Omaha, NE 68134

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

December 17, 1997

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 Roads Classifications and Standards Board:

APPOINTEES:
Gene Acklie, 1419 Avenue O, Scottsbluff, NE 69361
William Lindholm, 942 W. 11th Street, Wahoo, NE 68066
Arthur B. Yonkey, 1500 NE Highway 2, Lincoln, NE 68509-4759

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

December 22, 1997

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 Tax Equalization and Review Commission:

APPOINTEE: Robert L. Hans, 7200 Old Post Road, Unit 10, Lincoln, NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

December 31, 1997

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

Dear Madam President, Speaker, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Coordinating Commission for Postsecondary Education:

APPOINTEES:
Eric R. Seacrest, 710 W. Fifth Street, North Platte, NE 69101
David N. Brandt, 2501 West 10th Street, Hastings, NE 68901

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

December 31, 1997

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

Dear Madam President, Speaker, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Environmental Trust Board:

APPOINTEE: Frank P. Giltner, First National Bank of Omaha, 1620 Dodge Street, Omaha, NE 68102

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

December 31, 1997

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

Dear Madam President, Speaker, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Health and Human Services Partnership Council:

APPOINTEES:
Elnora Carr, 4707 N. 60th Street, Omaha, NE 68104
Bradley L. Sher, 5948 Culwells Road, Lincoln, NE 68516
Connie J. Day, 609 East Maple Street, Norfolk, NE 68701
Charles Evans, 817 North Cedar, Hastings, NE 68901
Pamela D. Bataillon, 317 South Happy Hollow Blvd., Omaha, NE 68152

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 97036

DATE: June 30, 1997

SUBJECT: Neb. Const. art. XVIII -- Whether failure of legislators to support a proposed term limit provision constitutes violation of the legislators' oath of office under Neb. Const. art. XV, § 1.

REQUESTED BY: Senator Kate Witek

WRITTEN BY: Don Stenberg, Attorney General

You have requested an official Attorney General's Opinion concerning whether failure of a State Senator to support a proposed resolution concerning a term limits amendment would violate a Senator's duty to support the Nebraska Constitution. Specifically, you have asked "Under what circumstances would a State Senator's failure to support LR 1...constitute a violation of a State Senator's oath of office to support the Constitution of the State of Nebraska?" You note in your opinion request that,

Legislative Resolution 1 was introduced by Senator Withem in relation to the passage of Initiative 409 in the general election of 1996, now codified as Article XVIII of the Constitution of the State of Nebraska. LR 1 was advanced to General File by the Executive Board on March 3, 1997. The Resolution was not debated during the 1997 Legislative Session nor was it placed on the agenda by the Speaker of the Legislature. It is possible that this Resolution will be voted upon during the 1998 Legislative Session. It has been suggested that, among other things, a vote against LR 1 would constitute a violation of the oath of office taken by members of the Legislature under Article XV, Section 1, of the Constitution of the State of Nebraska, wherein it is required that members swear or affirm that they will support the Constitution of the State of Nebraska.

**Discussion**

In considering the question presented, one must first review the applicable provisions of the Nebraska Constitution and the proposed Legislative Resolution:

**Neb. Const. art. XV, § 1 provides:**

> Executive and judicial officers and members of the legislature, before they enter upon their official duties shall take and subscribe the following oath, or affirmation. "I 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 . . . 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)." Any such officer or member of the legislature who shall refuse to take the oath herein prescribed, shall forfeit his office, and any person who shall be convicted of having sworn falsely to, or of violating his said oath shall forfeit his office, and thereafter be disqualified from holding any office of profit or trust in this state unless he shall have been restored to civil rights.

(Emphasis added).

**Neb. Const. art. XVIII, § 4(1) provides:** "We the Voters of the State of Nebraska hereby instruct each member of the Legislature to use all of his or her delegated powers to pass an application . . . as set forth in section (2) of this section. . . ."

**Neb. Const. art. XVIII, § 4(3) provides:**

All primary and general election ballots shall have the information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" printed adjacent to the name of any respective member of the Legislature who:

(a) Fails to vote in favor of the application set forth in subsection (2) of this section when brought to a vote;

(b) Fails to second the application if it lacks for a second;

(c) Fails to vote in favor of all votes bringing the application before any committee or subcommittee upon which he or she serves;

(d) Fails to propose or otherwise bring to a vote of the full legislative body the application if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the application;

(e) Fails to vote against any attempt to delay, table, or otherwise prevent a vote by the full legislative body on the application;

(f) Fails in any way to ensure that all votes on the application are recorded and made available to the public;

(g) Fails to vote against any change, addition, or modification to the application;

(h) Fails to vote in favor of the congressional term limits amendment if it is sent to the states for ratification; or

(i) Fails to vote against any term limits amendment with longer terms if such amendment is sent to the states for ratification.

**LR 1 (95th Legislature, 1st Session) provides:**

To implement initiative measure 409 approved by the voters of Nebraska in November 1996, we, the people, and the Legislature, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V of the United States Constitution, to call a convention for proposing amendments to the United States Constitution.

The question, then, is whether the failure of a State Senator to support LR 1 would violate his or her oath to support the Nebraska Constitution, since LR 1 contains the application referenced in Article XVIII, which legislators are "instructed" to support.

One of the keys to this question is the meaning of the phrase "the Voters . . . hereby instruct . . ." in Article XVIII. Does this phrase mean that Senators are constitutionally mandated to vote for LR 1, or does it mean that the voters have given a nonbinding instruction expressing the people's collective desire that Senators should vote for the proposed term limit provision? The word "instruct" is not defined in Article XVIII, and it is not clear whether the "instruction" is to be advisory or mandatory. Nebraska case law does not provide any precedent on this question. Thus, one must consider the alternative interpretations and determine which is most appropriate under Nebraska law.

Under Nebraska law, it is a cardinal rule of construction that where two

differing interpretations are possible, a court must favor a saving construction that renders the provision constitutional. ***Callan v. Balka***, 248 Neb. 469, 481, 536 N.W.2d 47 (1995); ***State ex rel. Bouc v. School Dist. of City of Lincoln***, 211 Neb. 731, 739, 320 N.W.2d 472 (1982); ***School Dist. No. 54 v. School Dist. of Omaha***, 171 Neb. 769, 774, 107 N.W.2d 744 (1961) ("the validity of a statute is favored and when susceptible of two constructions the one holding such statute valid will ordinarily be followed."). ***See also Porta v. Mayor, City of Omaha***, 593 F.Supp. 863, 867 (D.Neb. 1984). Similarly, under Nebraska law, "a statute is presumed to be constitutional, and all reasonable doubts will be resolved in favor of constitutionality." ***State ex rel. Shepherd v. Neb. Equal Opp. Comm.***, 251 Neb. 517, 520, 557 N.W.2d 684 (1997) (emphasis added).

This rule favoring a saving construction is so strong that, "even when a law may be constitutionally suspect, a court will attempt to interpret it in a manner consistent with the Constitution." ***Id.*** (emphasis added); ***Findaya W. v. A-T.E.A.M. Co.***, 249 Neb. 838, 841, 546 N.W.2d 61 (1996); ***Centra, Inc. v. Chandler v. Ins. Co.***, 248 Neb. 844, 859, 540 N.W.2d 318 (1995); ***State ex rel. Grape v. Zach***, 247 Neb. 29, 42, 524 N.W.2d 788 (1994); ***Bamford v. Upper Republican Nat. Resources Dist.***, 245 Neb. 299, 307, 512 N.W.2d 642 (1994)(quoting ***Kwik Shop v. City of Lincoln***, 243 Neb. 178, 182-183, 498 N.W.2d 102, 106 (1993)).

Under these rules of construction, a reviewing court should ascertain whether a construction of Article XVIII is fairly possible by which its constitutionality may be upheld. ***Johnson v. Robison***, 415 U.S. 361, 366-367, 94 S.Ct. 1160 (1974). If a law is susceptible of a reasonable interpretation which supports its constitutionality, the court must accord the law that meaning. ***United States v. National Dairy Prod. Corp.***, 372 U.S. 29, 32, 83 S.Ct. 594, 597 (1963); ***In Re Applications A-16027 et al.***, 242 Neb. 315, 327, 495 N.W.2d 23 (1993).

Article XVIII specifically contemplates that some legislators will oppose the proposed amendment, and expressly provides for informing the voters of this occurrence. ***See*** Neb. Const. art. XVIII, § 4. Furthermore, there is no express language in the Nebraska Constitution which states that legislators who oppose the proposed amendment violate their oath of office. The only consequence provided is to have a legislator's position disclosed to voters. The provisions in Article XVIII providing for such disclosure are specific and would control over more general provisions elsewhere even if otherwise applicable. Consequently, it is illogical to interpret Article XVIII as mandating support for LR 1. Furthermore, if failure to support the amendment was grounds for removal from office, it would be unnecessary to provide a mechanism to inform the electorate of legislators' voting records. Thus, it is illogical to interpret Article XVIII as mandating support for LR 1 upon threat of forfeiture of office.

Furthermore, it is possible that a provision which mandated State Senators to vote a particular way on a particular issue or piece of legislation would be

found unconstitutional under the First Amendment. ***See Bond v. Floyd***, 385 U.S. 116 (1966) ("the oath gives [the State] no interest in limiting its legislators' capacity to discuss their views on local or national policy."). However, a nonbinding statement expressing the will of the people as to how legislators should vote on an amendment is perfectly valid. ***Kimble v. Swackhamer***, 439 U.S. 1385, 1386 (1978) (Rehnquist, Circuit Justice).

Thus, since two interpretations of Article XVIII are possible, choosing the interpretation which construes the provision as mandating support for LR 1 would violate cardinal rules of construction. As discussed previously, it is a cardinal rule of construction that where two differing interpretations are possible, a court must favor a saving construction that renders the provision constitutional. ***Porta v. Mayor, City of Omaha***, 593 F.Supp. 863, 867 (D.Neb. 1984). ***See also State v. Edmunds***, 211 Neb. 380, 386, 318 N.W.2d 859 (1982) ("If possible, a statute should be construed in such a way as to negate any constitutional infirmity.").

Further validating this saving construction of the provisions in question is the fact that Article XVIII is a constitutional amendment approved by an overwhelming majority of Nebraska voters. The Nebraska Supreme Court has stated that in such cases the presumption in favor of validity and of a saving construction are particularly strong. ***Parker v. Roth***, 202 Neb. 850, 861, 278 N.W.2d 106 (1979) ("it is incumbent on this court, when reasonably possible and consistent with constitutional rights, to resolve all doubts as to a statute in favor of its constitutional validity. If possible, a statute should be construed in such a way as to negate any constitutional infirmity [citation omitted]. If such rule properly applies to a statute adopted by the Legislature, all the more should it apply to an amendment to the Constitution approved by an overwhelming majority of the people." (emphasis added); ***Anderson v. Tiemann***, 182 Neb. 393, 397, 155 N.W.2d 322 (1967), ("Constitutional provisions should receive even broader and more liberal construction than statutes, and constitutions are not subject to rules of strict construction. . . . 'Where a statute is susceptible of two constructions, one of which renders it constitutional and the other unconstitutional, it is the duty of the court to adopt the construction which, without doing violence to the fair meaning of the statute, will render it valid'.") (quoting ***State ex rel. Meyer v. Lancaster County***, 173 Neb. 195, 113 N.W.2d 63 (1962)) (emphasis added).

Therefore, Nebraska State Senators who fail to support LR 1 in the next legislative session do not violate their oath of office, and thus would not forfeit their offices.

Sincerely,
(Signed) Don Stenberg
Attorney General

3-2934-3

Opinion No. 97039

| | |
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| DATE: | August 4, 1997 |
| SUBJECT: | Payment to Counties for Holding Inmates Convicted of Felonies |
| REQUESTED BY: | Senator Roger Wehrbein, Chairman, Appropriations Committee |
| WRITTEN BY: | Don Stenberg, Attorney General<br>Laurie Smith Camp, Deputy Attorney General |

You have asked a number of questions regarding the obligation of the state to reimburse counties for the cost of maintaining inmates who have been convicted of offenses "punishable by imprisonment" in facilities under the jurisdiction of the Nebraska Department of Correctional Services. [DCS].

A recitation of applicable statutory provisions will precede our discussion of the issues raised in your letter.

Neb. Rev. Stat. § 28-105 (1995) provides in part:

All sentences of imprisonment for Class IA, IB, IC, ID, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail. . . .

Neb. Rev. Stat. § 28-106 (1995) provides in part:

Sentences of imprisonment in misdemeanor cases shall be served in the county jail, except that in the following circumstances the court may, in its discretion, order that such sentences be served institutions under the jurisdiction of the Department of Correctional Services:

(a) If the sentence is for a term of one year upon the conviction of a Class I misdemeanor or for a combined term of one year or more in the event of conviction of more than one misdemeanor offense; [or]

(b) If the sentence is to be served concurrently with the term for conviction of a felony. . . .

Neb. Rev. Stat. § 29-1002 (1995) provides in part:

The cost of keeping and maintaining any prisoner after his or her conviction of any offense punishable by imprisonment in a Department of Correctional Services adult correctional facility, wherever he or she may be kept and confined, shall be paid by the state according to the rate which

may be established by law at the time when such services may be rendered or expenses incurred.

Neb. Rev. Stat. § 29-1003 (1995) provides in part:

The Director of Administrative Services shall allow the account for the costs as provided for in Section 29-1002, and draw warrants upon the treasury therefor, upon being furnished with a certified copy of the judgment or sentence of the court under which such convict is in prison, and an account verified by affidavit, showing where and how long such convict has been kept, pursuant to such sentence.

Neb. Rev. Stat. § 47-119 (Cum. Supp. 1996) provides:

[S]tate prisoner shall mean a person who has been convicted of a felony and has started to serve the sentence imposed under such conviction.

Neb. Rev. Stat. § 47-121 (1993) provides in part:

The county board of each county. . . confining state prisoners within its jails shall receive $3.50 per day for boarding such prisoners. . . . The sheriff or county board of corrections shall, on the first day of January, April, July, and October of each year, make a report in writing to the Director of Administrative Services of the number of state prisoners in custody in such county for the last three months before making its report, when committed, and for what time, [and] the amount due the county for boarding such prisoner or prisoners. . . . Thereupon the director shall quarterly draw his or her warrant upon the State Treasurer for the amount due to the county treasurer of the county, and the amount drawn shall be credited to the general fund of the county.

Basic principles of statutory construction established by the Nebraska Supreme Court require that we (1) look at the statutory objective to be accomplished, problem to be remedied, or purpose to be served, and then place on the statute a reasonable construction which best achieves its purpose, rather than a construction that will defeat the purpose; and (2) conjunctively consider and construe all statutory components to determine the intent of the legislature, so that different provisions are consistent, harmonious and sensible. ***See, e.g., State v. Joubert***, 246 Neb. 287 (1994); ***Anderson v. Nashua Corp.***, 246 Neb. 420 (1994); and ***In Re Guardianship & Conservatorship of Bloomquist***, 246 Neb. 711 (1994).

Legislative history is not available to assist us in ascertaining the legislature's purpose in enacting §§ 29-1002, 29-1003, 47-119 and 47-121 because the core language of the statutes originated in the legislature's earliest years. The legislative history of bills making technical revisions to these statutes over the years does not explain the legislature's original intent and purpose. DCS annual reports inform us that Nebraska inmates were confined in county jails and federal facilities in Nebraska's first years of

statehood. It is likely that the language in §§ 29-1002, 29-1003, 47-119 and 47-121 originated at a time when many inmates who were convicted of felonies and sentenced to be imprisoned for one year or more served their time in county jails due to a lack of state correctional facilities.

Sections 28-105 and 28-106 were enacted as part of the Nebraska Criminal Code in 1977 and reflect the more modern intent of the legislature.

Although others may reach a different conclusion, we find that the reasonable and sensible construction of the above statutes is that inmates who are sentenced to serve a term of imprisonment of one year or more may be confined in facilities under the jurisdiction of DCS at the expense of the state. Such inmates would include those sentenced to serve one year or more in prison for felony convictions, Class I misdemeanor convictions, consecutive misdemeanor convictions, misdemeanor convictions to be served concurrently with felony convictions, and misdemeanor sentences to be served consecutive to felony convictions. Inmates sentenced to terms of imprisonment of less than one year are to be confined in county jails at the expense of the county. Such inmates would include those convicted of misdemeanors or felonies having a sentence or combined sentence totaling less than one year. The fact that an inmate has been sentenced to probation or to a term of confinement for less than one year in a county jail upon conviction of a felony would not cause the state to be responsible for the cost of "keeping and maintaining" the inmate. Our conclusion is reinforced by the fact that the legislature has appropriated no funds for payment to counties under § 47-121, and the fact that the counties have historically acquiesced in bearing the cost of maintaining convicted felons who are sentenced to serve less than one year in the county jails.

Neb. Rev. Stat. § 29-2401 (1995) provides that it is the responsibility of the county sheriff to transport an inmate to DCS when the inmate has been sentenced to that department. So, any delay in the transfer of an inmate from a county jail to DCS would be the responsibility of the county, and the state should not be liable for the county's costs of "keeping and maintaining" any such inmate. Your letter does not suggest that DCS has refused to accept inmates from the counties when the inmates have been sentenced to DCS.

It is recognized that there are times when inmates who have been sentenced to DCS may be placed temporarily in a county jail, just as there are times when a county inmate may be placed in DCS facilities for "safekeeping." Neb. Rev. Stat. § 29-1001 (1995) purports to give the person who has custody of an inmate the power to place the inmate in any secure and convenient place of confinement in the state. This statute can be construed to authorize counties to place their inmates in DCS facilities. It can also be construed to authorize DCS to place its inmates in county facilities. In the past, DCS has billed counties for "safekeeping" of county inmates on a contractual basis. If DCS were to place one of its inmates in a county jail pursuant to § 29-1001, and absent any agreement between DCS and the county for reimbursement, the county would be entitled to bill the

State of Nebraska for $3.50 per day for boarding such inmates pursuant to § 47-121. If there were no funds appropriated by the legislature for payment to the county under § 47-121, then the county would have the right to submit a miscellaneous claim to the State Claims Board seeking reimbursement under Neb. Rev. Stat. §§ 81-8,294 et seq. (1996).

Sincerely,
DON STENBERG
Attorney General
(Signed) Laurie Smith Camp
Deputy Attorney General

44-352-11

Opinion No. 97044

DATE: August 22, 1997

SUBJECT: Constitutional Considerations When Drafting Legislation Imposing a Temporary Moratorium on Construction of Hog Confinement Facilities

REQUESTED BY: Senator Merton L. Dierks
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Timothy J. Texel, Assistant Attorney General

You have requested the opinion of this office concerning the authority of the State of Nebraska to impose a temporary moratorium on the construction and permitting of hog confinement facilities and associated waste handling systems, and constitutional issues to be considered to avoid defects in the legislation. You specifically asked the following two questions:

1. Does the State of Nebraska have authority under the existing Nebraska Environmental Protection Act, the Federal Clean Water Act, or any other provision of law, to impose such a moratorium on permitting hog confinement facilities or any subcategory of the same. If so, under what conditions or justification may this be done?

2. What constitutional considerations must be considered if the Legislature wished to impose a moratorium through legislation and how could legislation be drafted to avoid constitutional defects?

**Authority to Impose a Moratorium**

If the State of Nebraska has the authority to impose a temporary moratorium on construction of hog confinement facilities, the authority would derive from the Legislature's ability to protect the public's health,

safety, and welfare. The State, as a sovereign, has an inherent right to act in order to protect the public's vital interests, such as the health, morals, comfort, and general welfare of the people, known as the police power. ***See, e.g., Energy Reserves Group, Inc. v. Kansas Power & Light Co.***, 459 U.S. 400 (1983); ***Home Building & Loan Ass'n v. Blaisdell***, 290 U.S. 393 (1934). A temporary moratorium would be based on the state's police power, to protect the public's health, safety, and welfare, as well as the state's environmental resources. The Legislature's authority would not be derived from state or federal law, including the Nebraska Environmental Protection Act or the federal Clean Water Act.

We are not aware of anything in the Nebraska Environmental Protection Act or the federal Clean Water Act of 1977 which specifically authorizes or proscribes moratoriums on livestock confinement facilities. The Clean Water Act (an amendment to the Federal Water Pollution Control Act of 1948) states that unless otherwise expressly provided, nothing in the chapter precludes states from adopting or enforcing requirements for the control or abatement of pollution. 33 U.S.C § 1370(1). The only specified limitation is that state standards must be no less stringent than the federal standards. ***Id.*** The statute also states nothing in the chapter shall be construed to impair a state's rights or jurisdiction over the waters of that state. 33 U.S.C. § 1370(2). We reviewed the federal regulations promulgated under the Clean Water Act to control pollution from swine and other livestock feedlots, located at 40 CFR, §§ 412.10 to 412.16 (1996). Our review of these regulations did not disclose any specific prohibition against temporary moratoriums.

It does not appear that the federal Clean Water Act or its related regulations directly address moratoriums on livestock confinement facilities. The issue then turns on what factors a court would consider when reviewing a challenge to a statutory moratorium enacted under the state's police power.

**Constitutional Considerations When Reviewing Moratoriums**

We point out that our review will be general in nature, since we do not have specific legislative language before us. We will attempt to address issues that parties challenging a moratorium are likely to raise. Before turning to specific factors, there are several general principles which should be mentioned.

One general principle of law is that courts view state statutes with a presumption of validity and constitutionality. ***Bridgeport Hydraulic v. Council on Water***, 453 F. Supp. 942, 946 (1977), ***aff'd*** 439 U.S. 999 (1978); ***Sun Oil Co. of Pennsylvania v. Goldstein***, 453 F.Supp. 787, 791, ***aff'd*** 594 F.2d 859 (4th Cir. 1979); ***In re Application A-16642***, 236 Neb. 671, 680, 463 N.W.2d 591, 599 (1990). The Nebraska Supreme Court has stated, "In every constitutional challenge there attaches the presumption that all acts of the Legislature are constitutional with all reasonable doubts resolved in favor of constitutionality." ***Otto v. Hahn***, 209 Neb. 114, 119, 306 N.W.2d 587,

591 (1981). The party challenging the statute has the burden to show that it is in fact unconstitutional. ***Sun Oil*** at 791; ***Haman v. Marsh***, 237 Neb. 699, 708, 467 N.W.2d 836, 844 (1991).

The enactment of a temporary moratorium on a business activity raises a number of potential areas which could form the bases for constitutional challenges. Our research indicates the following issues are often implicated when such legislation is enacted.

**A. Contract Clause Issues**

One potential constitutional issue which might arise if the moratorium were challenged is the impairments of contracts under the Contract Clause of the U.S. Constitution. This clause provides that: "No State shall . . . pass any. . . Law impairing the Obligation of Contracts . . . ." U.S. Const. art. I, § 10, cl. 2. Many of the cases we found in which state moratoriums were challenged involved contract clause claims. Whether this constitutional provision would be implicated by the moratorium legislation you might propose would depend on the types of hog confinement facilities and waste handling systems the legislation affected, whether the facilities were proposed, under construction, or prepared to begin operations, and other similar factors.

The threshold inquiry to determine if the Contract Clause is implicated is whether the state law will in fact create a substantial impairment of contractual relationships. ***Energy Reserves Group, Inc. v. Kansas Power & Light Co.***, 459 U.S. 400, 411 (1983). Although the language used in the Contract Clause is absolute, the prohibition must be accommodated to the state's police power. ***Id.*** at 410. The severity of the impairment will increase the level of scrutiny with which a court will review the legislation. ***Id.*** at 411. It is not necessary that all contractual expectations be totally destroyed in order to find a substantial impairment, though. In determining the extent of the impairment, a court will consider whether the industry involved has been regulated in the past. ***Id.*** Livestock confinement facilities have been regulated by the Nebraska Environmental Protection Act, the regulations promulgated thereunder, and by the federal Clean Water Act and its accompanying regulations. This fact would appear to increase the chances that a moratorium would be upheld.

If it is determined that the legislation constitutes a substantial impairment of contract rights, the state must show that the legislation is based on a significant and legitimate public purpose. ***Id.*** at 411. Thus, the inquiry is "whether the legislation is addressed to a legitimate end and the measures taken are reasonable and appropriate to that end." ***Home Building & Loan Ass'n v. Blaisdell***, 290 U.S. 398, 438 (1934). Such legitimate public purposes could include remedying general social problems, the state's economic interests, and the public's health, as well as other bases. In some early cases dealing with exercises of police powers which impaired contractual rights, such as the ***Blaisdell*** case, the U.S. Supreme Court found

that the public purpose should address an emergency or temporary situation. The Court has since indicated an emergency or temporary situation need not exist in order to uphold statutes interfering with contract rights. ***Energy Reserves Group*** at 412.

Once a legitimate public purpose is identified, a court will determine whether the measures taken in the legislation are reasonable and appropriate to address the public purpose involved. ***Id.*** As previously mentioned, courts will view the statutes involved with a presumption of constitutionality. Also, when reviewing economic and social regulation, "courts properly defer to legislative judgment as to the necessity and reasonableness of a particular measure." ***Energy Reserves Group*** at 413, ***quoting United States Trust Co. v. New Jersey***, 431 U.S. 1, 22-23 (1977).

The outcome of a court's review of moratorium legislation would therefore depend on the nature and seriousness of the public purpose requiring the action, the language used to create the legislation, and whether a moratorium is an appropriate manner in which to address the issue. The Legislature may therefore want to consider these factors when drafting legislation creating a moratorium.

**B. The Commerce Clause**

As with Contract Clause claims, we cannot ascertain for certain whether, or to what extent, the Commerce Clause might be involved in any challenges to a temporary moratorium on hog confinement facilities without reviewing specific legislation on that topic. Many factors would have to be considered, such as the specific restrictions placed on the facilities, precisely what types of facilities are involved, and the extent and nature of their operations.

When reviewing legislation to determine whether the Commerce Clause is implicated, it must first be determined whether the statute is facially discriminatory against interstate competitors of the businesses involved. ***Sun Oil***, 453 F. Supp. at 793. To avoid this defect, the proposed legislation must apply equally to all similarly situated businesses. If it is determined the moratorium is not facially discriminatory, the legislation will be reviewed using a balancing test.

Under the balancing test, any burden on interstate commerce must be balanced against the intended local benefits to be brought about by the legislation. The final consideration is whether there is a less restrictive alternative available which would equally achieve the State's intended purposes. If less restrictive means are available, then those options must be attempted first.

The United States Supreme Court, in describing this balancing test, stated:

> Where the statute regulates evenhandedly to effectuate a legitimate local interest, and its effects on interstate commerce are only incidental,

> it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. If a legitimate local purpose is found, then the question becomes one of degree. And the extent of burden that will be tolerated will of course depend on the nature of the local interest involved and on whether it could be promoted as well with a lesser impact on interstate activities.

***Pike v. Bruce Church, Inc.***, 397 U.S. 137, 142 (1970).

For the legislation creating a moratorium to meet the above test, it must first be determined whether interstate commerce is affected. If it is, a legitimate state interest establishing the need for a moratorium would have to be identified and articulated. Once such a state interest is identified, it must be determined how significant the impact of the legislation will be on interstate commerce. The severity of the impact on interstate commerce will then be weighed against the importance of the state's local interest addressed by the legislation.

To avoid successful challenges based on commerce clause issues, the Legislature should ensure that the moratorium, and the means used to operate and enforce the moratorium, are the least restrictive and least burdensome alternatives available which will achieve the Legislature's objectives.

### C. Due Process

Another issue to be considered when drafting moratorium legislation is the due process rights of the affected parties. These could take many forms, again depending on the statutory language. These considerations may be especially relevant if hog confinement facilities already in existence are affected, such as being temporarily proscribed from expanding or altering the facilities. Any facilities where construction has already begun might also be affected.

Parties wishing hearings to determine whether their operations constitute the type of facility controlled by the statute could challenge the moratorium. They might allege that hearings are required for each facility in order to determine whether it is a hog confinement facility under the statute, and whether that facility actually causes the type of harm the legislation is intended to temporarily abate. Whether such challenges would have any merit again depends on the legislative language.

In one case where such arguments were made, the court found that such hearings were not required. In the ***Sun Oil*** case, cited above, Maryland created a moratorium on allowing full service gas stations (with automobile repair facilities) to convert to gas only stations. The purpose was to ensure adequate automobile repair facilities existed to serve motorists operating on Maryland's roadways. Legislative action was deemed necessary due to the number of stations converting to gas-only and eliminating their repair shops.

Although the moratorium prohibited stations from eliminating existing repair shops, it did not prohibit closing the station entirely, nor the building of new gas-only stations where none had previously existing. The court found that the requested hearings were unnecessary and unreasonable, since the provisions of Maryland's moratorium law were sufficient to meet due process requirements.

We note that the length of the moratorium is not a determining factor when reviewing the legitimacy of a moratorium. "[T]he test is whether the statute has a reasonable relation to the legitimate State purpose. . . not its legislative life." ***Sun Oil*** at 795.

In another case involving a moratorium, a city enacted a temporary moratorium on construction permits. In ***Tisei v. Town of Ogonquit***, 491 A.2d 564 (Me. 1985), the stated purpose of the moratorium was to prevent overloading the town's public services, to lessen the strain on the town's water supply and sewer system, and to protect the town's soil. A committee was established to review the town's existing ordinances while the moratorium was in effect. In reviewing whether the moratorium was a proper exercise of the town's police powers, the court found that a municipality could use its police powers to withhold approval of new construction projects for a limited time. In determining whether the moratorium was within the town's police powers and did not violate due process requirements, the court used a three-step review process.

1. The *object* of the exercise must be to provide for the public welfare.
2. The legislative *means* employed must be appropriate to the achievement of the ends sought.
3. The *manner of exercising* the power must not be unduly arbitrary or capricious.

***Tisei*** at 569, citing to ***State v. Rush***, 324 A.2d 748 (Me. 1974) (emphasis in original). Although the facts in the ***Tisei*** case are not specifically what is before us with a statewide moratorium, the case may be analogous in that the court addressed a temporary construction moratorium imposed so that a governmental entity could study an issue before a more serious situation arose. The court in ***Tisei*** overturned the summary judgment the lower court had entered for the town. The test used by the court may provide a useful general guide when determining what factors should be considered in order to avoid due process violations.

**D. Equal Protection**

Another constitutional issue which should be considered when drafting legislation creating a moratorium is equal protection guarantees under the United States and Nebraska Constitutions.

When reviewing legislation challenged on equal protection grounds, it is clear that unless a legislative classification involves a fundamental personal

right or inherently suspect class, such as race, alienage, or national origin, "courts will ask only whether a rational relationship exists between a legitimate state interest and the statutory means selected by the legislature to accomplish that end." ***State v. Garber***, 249 Neb. 648, 653, 545 N.W.2d 75, 79 (1996). ***See also Cleburne v. Cleburne Living Center, Inc.***, 473 U.S. 432, 440 (1985); ***New Orleans v. Dukes***, 427 U.S. 297, 303, (1976); ***State ex rel. Spire v. Northwestern Bell Tel. Co.***, 233 Neb. 262, 445 N.W.2d 284 (1989). The Nebraska Constitution has identical requirements. Neb. Const. art. III, § 18; ***Robotham v. State***, 241 Neb. 379, 385, 488 N.W.2d 533, 539 (1992). Equal protection challenges brought under article III, § 18 of the Nebraska Constitution would likewise be tested for a rational basis unless a suspect classification was involved. ***Robotham*** at 385, 488 N.W.2d at 539; ***Haman*** at 712, 467 N.W.2d at 846 (1991). If a rational relationship to a legitimate state interest is found to exist, a court will uphold the legislation. ***Garber*** at 653, 545 N.W.2d at 79. The rational basis test for equal protection is violated "only if the classification rests on grounds wholly irrelevant to the achievement of the State's objective." ***Garber*** at 654, 545 N.W.2d at 79, ***quoting McGowan v. Maryland***, 366 U.S. 420, 425 (1961).

In order to evaluate equal protection claims, a court may use a three-step analysis: 1) whether the law creates classifications, 2) if classifications are created, whether the law embodies a legitimate state interest, and 3) whether the classifications are rationally related to that legitimate state interest. ***Sun Oil*** at 796. So long as fundamental rights and suspect distinctions are not involved, a court will examine these factors only for constitutionality--not on the wisdom, necessity, or strength of scientific support for the Legislature's policy decisions. ***New Orleans*** at 303, 96 S.Ct. at 2517; ***Garber*** at 654, 545 N.W.2d at 79; ***Otto*** at 119, 306 N.W.2d at 591. The Nebraska Supreme Court has stated that under the rational basis standard, a legislature is not required to adopt the best solution, only a solution which has a rational relationship to the state's interest. ***Garber*** at 654, 545 N.W.2d at 79. When the legislation deals with economics and social welfare, equal protection is not violated merely because the classifications are imperfect or when in practice it results in some inequality. ***Otto*** at 118, 306 N.W.2d at 591, ***citing Dandridge v. Williams***, 397 U.S. 471 (1970).

**Conclusion**

The potential for constitutional and other legal issues which might arise from a temporary moratorium on hog confinement facilities are as varied as the possibilities for the language which would create the legislation. However, certain general issues are often involved in judicial reviews of moratoriums. One primary factor in a review of the constitutionality of any such legislation would likely deal with whether it addresses a legitimate state interest. It is therefore important to identify and articulate the State's interest and purpose justifying the legislation.

Another principle to consider is that legislation enacted pursuant to the state's police powers must have a real and substantial relation to a legitimate

state purpose, and the means of enforcement must be reasonable. When exercising police powers, "the legislature has broad and flexible authority, particularly in the areas of public health and safety." ***Bridgeport Hydraulic*** at 946. Whether a court would uphold a temporary moratorium on hog confinement facilities depends on such factors as the legitimate state interest involved, the particular statutory language creating the moratorium, the declared purpose for the moratorium, and how the moratorium is to operate and be enforced. A court would consider these factors and decide whether a moratorium was a reasonable method to address the state's interests.

Because current Nebraska statutes and regulations control hog confinement facilities, it would be helpful if the Legislature distinguished why current statutes and regulations are inadequate, or why they are adequate for current facilities, but not for the new types of proposed facilities and waste handling systems. A distinction explaining how the new facilities differ and the public and/or environment would not be adequately protected by the current controls would assist a court reviewing these issues.

Although the foregoing discussion addresses several issues which have been raised by parties challenging statutory moratoriums, it is probably not a complete list of all bases upon which a moratorium might be challenged. We hope this brief analysis of these complex issues is of assistance when drafting legislation on this topic.

Sincerely,
DON STENBERG
Attorney General
(Signed) Timothy J. Texel
Assistant Attorney General

08-18-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 97046

DATE: September 11, 1997

SUBJECT: Imposition of State Sanctions Against Employers Who Hire Illegal Aliens

REQUESTED BY: Senator Donald G. Preister

WRITTEN BY: Don Stenberg, Attorney General
L. Steven Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion as to whether the State of Nebraska could enact a law imposing fines on businesses or employers who hire illegal aliens/undocumented workers. You note in your request that the federal government regulates immigration, and you ask whether a

state statute imposing such fines on employers would be constitutional.

The U.S. Supreme Court has "long recognized the preeminent role of the Federal Government with respect to the regulation of aliens within our borders." ***Toll v. Moreno***, 458 U.S. 1, 102 S.Ct. 2977, 2982 (1982). However, federal preemption of state laws regarding illegal aliens is not automatic. In ***DeCanas v. Bica***, 424 U.S. 351, 96 S.Ct. 933 (1976), the Supreme Court addressed the issue of whether a California statute prohibiting employers from knowingly employing illegal aliens was unconstitutional under the Supremacy Clause of the U.S. Constitution. ***Id.*** at 935. The California statute imposed fines on employers of $200-$500 for each offense. ***Id.*** at 935 n.1.

The Supreme Court held that federal law, including the Immigration and Nationality Act, 66 Stat. 163, as amended, 8 U.S.C. § 1101 et. seq., did not preempt the California statute. ***Id.*** at 937. The Court stated that "States possess broad authority under their police powers to regulate the employment relationship to protect workers within the State." ***Id.*** at 937. However, federal law, as it then existed, did not contain penalties for hiring illegal aliens. The Court noted that "H.R. 8713, now pending in Congress, would amend 8 U.S.C. § 1324 to provide a penalty for knowingly employing an alien not lawfully admitted to the United States." ***Id.*** at 936 n.4.

Today, 8 U.S.C. § 1324a makes it unlawful to hire an unauthorized alien, and provides for civil penalties for each violation. Most importantly, for purposes of the question presented, § 1324a(h)(2) now expressly provides that "The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens." (emphasis added).

Consequently, the answer to your question is that any state statute imposing fines on employers for hiring illegal aliens would violate 8 U.S.C. § 1324a(h)(2) and the Supremacy Clause of the United States Constitution.

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

3-42-11

Opinion No. 97047

DATE: September 10, 1997

SUBJECT: Office of the County Comptroller; Counties Having Less than Three Hundred Thousand Inhabitants

REQUESTED BY: Senator Joyce Hillman
Nebraska State Legislature, District No. 48

WRITTEN BY: Don Stenberg, Attorney General
Fredrick F. Neid, Assistant Attorney General

You have requested the opinion of the Attorney General concerning whether ". . . counties with less than 300,000 population can have a county comptroller or a similar position." The question you present constitutes a local issue of particular interest to counties which this office would not normally address within the scope of its responsibilities. However, we respond to your request for an opinion since you indicate you are considering remedial legislation.

It is our opinion that application of the statutory provisions creating the office of county comptroller is limited to counties having a population greater than three hundred thousand residents. Accordingly, the office of county comptroller is not created in counties with less than three hundred thousand inhabitants.

## OFFICE OF THE COUNTY COMPTROLLER

You appear to raise this question because the office of county comptroller is specifically created by statute in counties having a population in excess of three hundred thousand residents. Neb. Rev. Stat. § 23-1401 (1991) states in particular part:

> In any county in this state having a population in excess of three hundred thousand inhabitants, there is hereby created the office of county comptroller for such county, and the county clerk of such county shall be the ex officio county comptroller for the county. The county comptroller shall act as the general accountant, chief auditing officer, internal auditor, and fiscal agent of the county and shall exercise a general supervision over all officers of the county charged in any manner with the receipt, collection, and or disbursement of the county revenue. . . .

(Emphasis added).

The express provisions of section 23-1401 apply only to counties having a population exceeding three hundred thousand residents. The language of the statute is clear and unambiguous. The general rule governing statutory construction and interpretation provides that, in the absence of anything to the contrary, statutory language is to be given its plain and ordinary meaning. ***State ex rel. Wieland v. Beerman***, 246 Neb. 808, 523 N.W.2d 518 (1994); ***In re Application of Jantzen***, 245 Neb. 81, 511 N.W.2d 504 (1994). For this reason, it is our conclusion that the office of county comptroller is not established in counties with a population of less than three hundred thousand inhabitants.

## OTHER STATUTORY PROVISIONS

We further point out that certain statutory responsibilities of a county comptroller are performed by other officers in counties with less than three hundred thousand residents. It is the duty of the county clerk to keep records of all proceedings of the county board, to prepare the annual inventory of county personal property within the custody of the county clerk, to maintain the record of any county warrants issued, and to perform other responsibilities detailed in Neb. Rev. Stat. §§ 23-1301 to 23-1312 (1991 and Cum. Supp. 1996). Generally, the county treasurer performs the duties of fiscal agent for the county. ***See*** Neb. Rev. Stat. §§ 23-1601 to 23-1606 (1991 and Cum. Supp. 1996). And, it has been held that the county treasurer is the collector and custodian of public money within the meaning of the Nebraska Constitution. ***State ex rel. Good v. Marsh***, 125 Neb. 125, 249 N.W. 295 (1933).

Specific duties expressly provided by statute to be performed by specific county offices cannot be performed by other county officials. The courts have held that counties and county officials only have such authority as provided by law. A county has only those duties and powers conferred upon it by the Legislature. ***State ex rel. Scherer v. Madison Cty. Comrs.***, 247 Neb. 384, 527 N.W.2d 615 (1995); ***Rock Cty. v. Spire***, 235 Neb. 434, 455 N.W.2d 763 (1990). It has also been held that counties and county boards can exercise only such powers as are expressly conferred upon them by statute, and such grant of power must be strictly construed and any reasonable doubt of existence of powers is resolved against them. ***Shanahan v. Johnson***, 170 Neb. 399, 102 N.W.2d 858 (1960).

Based on these authorities, we believe that certain duties and powers designated by statute to be performed by specific county offices are required to be performed by those offices and not by other officials. Accordingly, it is our opinion that a specific duty statutorily required to be performed by the county clerk or treasurer may not be performed by a county comptroller "or a similar position" in counties having a population of less than three hundred inhabitants.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
21-974-6.op

## REPORTS

**Agriculture, Department of**
Part II, Grade A Pasteurized Milk Ordinance - 1978, Recommendations

of U. S. Public Health Service/Food & Drug Administration, 1995 Revision

Grade A Condensed & Dry Milk Products & Condensed & Dry Whey, Supplement I to Grade A Pasteurized Milk Ordinance, 1995 Revision

Standards for Fabricating of Single Service Containers & Closures for Milk & Milk Products, 1995 Revision

Evaluation of Milk Laboratories, 1995 Revision, as referenced in the Pasteurized Milk Ordinance

Methods of Making Sanitary Ratings of Milk Supplies, as it existed on January 1, 1997, (1995 Revision)

Procedures Governing the Cooperative State-Public Health Service/Food & Drug Administration Program for Certification of Interstate Milk Shippers, as existed on 1/1/97 (1995 Revision)

**Auditor of Public Accounts**

Advisory Letter to the Nebraska Dept. of Revenue-Homestead Exemption Distributions - FY 96

Nebraska Dept. of Education Div. 11 - School for the Deaf - FY 96

Nebraska Dept. of Roads - FY 96

Nebraska Dept. of Education - Program 161 Education Innovation Fund - FY 96

Nebraska Dept. of Agriculture - Program 56 Weights and Measures - FY 96

Nebraska Dept. of Correctional Services - Program 575 Anti-Drug Abuse Act - FY 96

Nebraska Dept. of Correctional Services - Program 390 Federal Surplus Property - FY 96

Nebraska Dept. of Agriculture - Program 27 Administration - FY 96

Advisory Letter to the Nebraska Dept. of Education Selected Distributions Tested - FY 95 and FY 96

Specific Proc. Report of the Nebraska Dept. of Social Services Disabled Persons & Family Support Prog. & State Disabled Medical and Maintenance Programs - FY 96

State of Nebraska Office of the Lt. Governor - FY 96

Nebraska Dept. of Social Services State Wards' Guardianship Accounts - FY 96

Advisory Letter of the Nebraska Dept. of Admin. Services Accounting Division - CY 96

Advisory Letter to the Dept. of Motor Vehicles - Vehicle Titling and Registration System

Nebraska Board of Public Accountancy - FY 96

Nebraska Dept. of Public Institutions - Beatrice State Developmental Center Members' Trust Fund - FY 96

Nebraska Oil and Gas Conservation Commission - FY 96

Management Letter to Nebraska Dept. of Revenue, Collection and Distribution of City Sales Tax

Nebraska Commission on Law Enforcement and Criminal Justice - FY 96

Nebraska Dept. of Health and Human Services, Child Support Enforcement Unit

Nebraska Dept. of Justice - FY 96
Nebraska Corn Development, Utilization and Marketing Board - FY 96
Nebraska Dept. of Health, Program 175, Medical School Assistance - FY 96
Boyd County Monitoring Committee - CY 96
Specific Procedures Report of Nebraska Dept. of Economic Development Relationship to Nebraska Community Foundation and State Payments to the Nebraska Community Foundation - FY 94, 95, 96
Nebraska Dept. of Veterans' Affairs - FY 96
Nebraska Game and Parks Commission Program 330 - Habitat Development - FY 96
Advisory Letter to the Nebraska Dept. of Health and Human Services - Program 176, Nursing Incentive Program - FY 96
Nebraska Dept. of Public Institutions Lincoln Regional Center Members' Trust Fund - FY 96
Nebraska Natural Resources Commission - FY 96
Advisory Letter to the Nebraska Dept. of Administrative Services Building Division Billing System
Nebraska Motor Vehicle Industry Licensing Board - FY 96
Nebraska Library Commission - FY 96
Nebraska Dept. of Revenue SAS 70 Report - Collection and Distribution of City Sales Taxes as of April 30, 1997

**Criminal Justice, Nebraska Commission on Law Enforcement**
Annual Report - 1996
Criminal Justice Information System Advisory Committee Report

**Education, Department of**
Report and Recommendations Regarding the Duties of the County Superintendent

**Energy Office, Nebraska**
Quarterly Reports - Municipal Natural Gas Regulation Revolving Loan Fund

**Environmental Quality, Department of**
Semi-annual Reports: Program #523, Small Town Grants
Wastewater Construction Grants - Program #518 Report of no activity
SFY 1997 Annual Report for the State Revolving Fund
Draft Environmental Impact Analysis (DEIA) and Draft Safety Evaluation Report (DSER)
Annual Report for 1997

**Ethanol Board**
Ethanol Producer Cash Fund, Ethanol Production Credit Summary, Ethanol Production Incentive Cash Fund - Cash Flow Projection

**Health and Human Services System, Nebraska**
Office of the System Advocate June 1997 Report

Office of the System Advocate July 1997 Report
Office of the System Advocate August 1997 Report
Office of the System Advocate September 1997 Report
Office of the System Advocate October 1997 Report
Office of the System Advocate November 1997 Report
Employment First, Nebraska's Welfare Reform Program First Annual Report
Annual Report on Cost Sharing in the Medicaid Program
Community Service Program Employable General Assistance Recipients Annual Report

**Insurance, Department of**
1996 Annual Report - Interstate Insurance Receivership Compact
Analysis and Review of LB 757, 1993

**Investment Council, Nebraska**
Northern Ireland Investment Requirements under LB 1066

**Labor, Department of**
Nebraska Worker Training Program Annual Report
Job Availability in Nebraska (LB 455, 1995)
Analysis and Review of LB 757, 1993
State Labor Area Summary for August
State Labor Area Summary for October

**Legislative Council**
Report on Electronic Access to Government Information (LB 590, 1997)

**Legislative Program Evaluation Committee**
Final Committee Report, Vol. 97, No. 2, Dept. of Agriculture

**Motor Vehicles, Department of**
Annual Report

**Liquor Control Commission, Nebraska**
Report of keg registration

**Natural Resources District**
Annual Report and Plan of Work for Nebraska State Water Planning and Review Process

**Nebraska GIS Steering Committee**
Annual Report, July 1997

**Nebraska Investment Finance Authority**
Notice of bond issuance of Single Family Bonds
Quarterly Report - Community Development Loan Notes Series A & B
Notice of bond issuance on 1997 Series B and Series C Single Family

Issues
Quarterly Report - Series 1996 NIFA State Revolving Fund Revenue Bond
Quarterly Report - Series 1996 A, 1996 C, 1996 E, and 1997 A
Agricultural Division loans for FY 7/1/96 through 6/30/97
Notice of issuance of Single Family Housing General Obligation Bonds
Notice of bond issuance on 1997 Series D Single Family Issue
Quarterly Report - Series 1996 C, 1997 A, 1997 B, and 1997 C
Quarterly Report - State Revolving Fund Revenue Bond Series 1996
Quarterly Report - Community Development Loan Notes 1995 Series A and Series B
Notice of bond issuance on Series 1997 Bonds

**Ombudsman (Public Counsel)**
Annual Report of the Nebraska Public Counsel

**Public Roads Classifications and Standards, Board of**
Minutes of May 16, 1997 meeting
Minutes of June 20, 1997 meeting
Minutes of July 18, 1997 meeting
Minutes of September 26, 1997 meeting
Minutes of October 17, 1997 meeting
Minutes of November 21, 1997 meeting

**Public Service Commission**
1997 Annual Report on Telecommunications

**Revenue, Department of**
Certification of General Fund net receipts for FY 97-98
Report of Examination - Auditor of Public Accounts for FY ending 6/30/96
1997 Annual Report - Nebraska Lottery
Report of FY 1996-97 Tax Receipts attributed to the Tax Equity & Education Opportunities Support Act
(Prepared jointly by Dept. of Revenue & Leg. Fiscal Office)
1996 Annual Report

**Roads, Department of**
Quarterly Reports - NE State Highway Commission
Highway/Roads Operation Cash fund for May 1997
1997 Fiscal Year End Report to the State Tax Board
Highway/Roads Operation Cash fund for July 1997
Highway/Roads Operation Cash fund for August 1997
Highway/Roads Operation Cash fund for September 1997
Highway/Roads Operation Cash fund for October 1997
Highway/Roads Operation Cash fund for November 1997
1997 State Highway Plan and Needs Report
Recreation Roads One- and Five-Year Programs; Summary of Resurfacing and Restoration Needs; Non-programmed Capital

Improvement Projects

**School Finance Review Committee, Nebraska**
Resolutions passed by School Finance Review Committee at December 4, 1997 meeting to be incorporated into the 1998 Annual Report

**Supreme Court of Nebraska**
Fifth Annual Report - Nebraska Office of Dispute Resolution July 1996 - June 1997

**Treasurer, State**
Treasurer's Report for April, May, June 1997

**University of Nebraska**
Annual Report
Nebraska Research Initiative 1996-97
Five-year Plan to Increase Faculty Diversity

**University of Nebraska Medical Center**
Rural Health Opportunities Program (RHOP) Loan Report for 1997

**Miscellaneous Reports**
Multi-County Shared Services: A Response to LB 1085 for Dodge, Douglas, Sarpy, Saunders, and Washington Counties

## COMMUNICATIONS

Received a copy of House Resolution No. 120 from the State of Louisiana concerning a proposed amendment to the Constitution of the United States providing for election of members of the federal judiciary.

Received a copy of Resolution 1, Senate File Number 22, from the State of Minnesota regarding movement of professional sports franchises.

## MOTION - Election of Speaker

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

The motion prevailed.

Mr. Kristensen placed his name in nomination.

Mr. Landis placed his name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Messrs. Willhoft, Lynch, and Mrs. Stuhr as tellers.

| | |
|---|---|
| Kristensen | 26 |
| Landis | 21 |
| | 47 |

Mr. Kristensen was duly elected Speaker of the Legislature.

## MOTION - Escort Supreme Court Justice

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

The motion prevailed.

The Chair appointed Messrs. Janssen, D. Pederson, Tyson, Schellpeper, and Mrs. Thompson to serve on said committee.

The committee escorted Justice Caporale to the rostrum to administer the Oath of Office to the newly elected officer.

## OFFICERS' OATH OF OFFICE

STATE OF NEBRASKA )
) ss.
LANCASTER COUNTY )

I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of my office to the best of my ability, so help me God.

Speaker Douglas A. Kristensen

The committee escorted Justice Caporale from the Chamber.

## MOTION - Standing Committee Chairpersons

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

The motion prevailed.

### CHAIRPERSON - Revenue

Mr. Wickersham placed his name in nomination.

Mr. Brashear placed his name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Messrs. Dierks, Schrock, and Mrs. Robak as tellers.

| | |
|---|---|
| Wickersham | 35 |
| Brashear | 14 |
| | 49 |

Mr. Wickersham was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Nebraska Retirement Systems

Mr. Janssen placed his name in nomination.

The Chair declared the nominations be closed and a unanimous vote be cast for Mr. Janssen.

The motion prevailed.

Mr. Janssen was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Transportation

Mr. Dw. Pedersen placed his name in nomination.

Mrs. Kiel placed her name in nomination.

Mrs. C. Peterson placed her name in nomination.

Mrs. Robak placed her name in nomination.

Mr. Bromm placed his name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Mrs. Hillman, Messrs. Bruning, and Hartnett as tellers.

| | |
|---|---|
| Dw. Pedersen | 14 |
| Kiel | 9 |
| C. Peterson | 7 |
| Robak | 3 |
| Bromm | 15 |
| | 48 |

The Chair announced that a second ballot would be cast between Mr. Dw. Pedersen, Mrs. Kiel, Mrs. C. Peterson, and Mr. Bromm.

| | |
|---|---|
| Dw. Pedersen | 16 |
| Kiel | 10 |
| C. Peterson | 6 |
| Bromm | 16 |
| | 48 |

The Chair announced that a third ballot would be cast between Mr. Dw. Pedersen, Mrs. Kiel, and Mr. Bromm.

| | |
|---|---|
| Dw. Pedersen | 17 |
| Kiel | 11 |
| Bromm | 19 |
| | 47 |

The Chair announced that a fourth ballot would be cast between Mr. Dw. Pedersen and Mr. Bromm.

| | |
|---|---|
| Dw. Pedersen | 20 |
| Bromm | 27 |
| | 47 |

Mr. Bromm was duly elected Chairperson of the Transportation Committee.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 892.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to energy efficiency loans; to amend section 81-1634, Revised Statutes Supplement, 1996; to eliminate provisions which terminated June 30, 1996; to harmonize provisions; to repeal the original section; and to outright repeal sections 81-1632 and 81-1633, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 893.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to cities; to amend section 19-601, Reissue Revised Statutes of Nebraska; to eliminate a definition of "this act"; and to repeal the original section.

**LEGISLATIVE BILL 894.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1105, 8-1113, 8-1116, 8-1117, 8-1121, 8-1122, and 70-734, Reissue Revised Statutes of Nebraska; to eliminate references to a repealed section; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 895.** Introduced by Executive Board: Coordsen, 32,

Chairperson.

A BILL FOR AN ACT relating to water appropriations; to repeal a section that terminated on December 31, 1996; and to outright repeal section 46-229.06, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 896.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to ground water conservation districts; to amend sections 2-3201, 2-3202, 2-3212.01, 2-3219, 2-3222, 2-3226, 2-3233, and 2-3234, Reissue Revised Statutes of Nebraska, and section 32-608, Revised Statutes Supplement, 1997; to repeal provisions that terminated April 1, 1997; to harmonize provisions; to repeal the original sections; and to outright repeal sections 46-614 to 46-628, 46-631, 46-632, and 46-634, Reissue Revised Statutes of Nebraska, and sections 46-629, 46-630, and 46-656.24, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 897.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Housing Code Task Force; to repeal provisions that terminated on December 31, 1996; and to outright repeal section 58-710, Revised Statutes Supplement, 1997.

**LEGISLATIVE BILL 898.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Trauma Systems Development Act; to repeal provisions relating to a board that terminated on January 1, 1996; and to outright repeal sections 71-5166 to 71-5171, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 899.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Highway-Rail Crossing Safety Committee; to repeal provisions that terminated on January 1, 1997; and to outright repeal sections 74-1324 to 74-1328, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 900.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to crimes; to amend section 28-105, Revised Statutes Supplement, 1997; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 901.** Introduced by Executive Board: Coordsen, 32,

Chairperson.

A BILL FOR AN ACT relating to zoning; to amend sections 19-907, 19-911, and 84-155, Reissue Revised Statutes of Nebraska; to transfer a section; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 902.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Legislature; to eliminate statutes found unconstitutional; and to outright repeal sections 50-129 and 50-130, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 903.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-117 and 60-314, Reissue Revised Statutes of Nebraska, section 60-1401.02, Revised Statutes Supplement, 1996, and section 60-1411.01, Revised Statutes Supplement, 1997; to eliminate "this act" and chapter references; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-101, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 904.** Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to schools; to amend section 79-1187, Revised Statutes Supplement, 1997; to eliminate statutory references to the Special Education Accountability Commission which terminated September 1, 1996; to repeal the original section; and to outright repeal sections 79-1112 and 79-1179 to 79-1183, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 905.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to elections; to amend section 32-912, Revised Statutes Supplement, 1996, and section 32-312, Revised Statutes Supplement, 1997; to provide that partisan ballots may be requested by unaffiliated registered voters; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 906.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to child support; to amend section 42-364.16, Revised Statutes Supplement, 1996; to change child support guideline provisions; and to repeal the original section.

**LEGISLATIVE BILL 907.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to insurance; to amend section 44-513,

Revised Statutes Supplement, 1996; to provide reimbursement of pharmacy services; and to repeal the original section.

**LEGISLATIVE BILL 908.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change provisions relating to protective helmets; and to repeal the original section.

**LEGISLATIVE BILL 909.** Introduced by Coordsen, 32; Thompson, 14; Will, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-304 and 60-480.01, Revised Statutes Supplement, 1997; to provide for the issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies; and to repeal the original sections.

**LEGISLATIVE BILL 910.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to compulsory education; to amend section 79-201, Reissue Revised Statutes of Nebraska; to change provisions relating to age; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 911.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 45-104.01 and 77-204, Reissue Revised Statutes of Nebraska; to require notice of delinquent taxes; to change the rate of interest on delinquent taxes and special assessments owed to political subdivisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 912.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-1,279, 71-340 to 71-343, 71-347, 71-351, 71-356, 71-361, 71-362, 71-364, 71-371, 71-374, 71-375 to 71-377, 71-381, 71-382, 71-386, 71-389, 71-394, 71-396 to 71-398, 71-3,104 to 71-3,106, 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, 71-3,139, 71-3,140 to 71-3,143, 71-3,145, 71-3,147, 71-3,150, 71-3,151, 71-3,153, 71-3,154, 71-3,156 to 71-3,160, 71-3,162 to 71-3,164, 71-3,169, 71-3,170, 71-3,174, 71-3,177, and 71-3,179, Reissue Revised Statutes of Nebraska, and sections 71-203, 71-387, 71-390, 71-3,137, and 71-3,152, Revised Statutes Supplement, 1997; to provide for regulation of nail technology practitioners, establishments, and education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 913.** Introduced by Maurstad, 30.

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

77-2715.02, 77-2716, and 79-1031, Revised Statutes Supplement, 1997; to extend an income tax rate change and an adjustment to income; to change a duty of the State Department of Education; and to repeal the original sections.

**LEGISLATIVE BILL 914.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716, Revised Statutes Supplement, 1997; to extend an adjustment to income for health insurance costs of self-employed individuals; and to repeal the original section.

**LEGISLATIVE BILL 915.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for developmental disability services rate equity.

**LEGISLATIVE BILL 916.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to change the sales tax rate; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 917.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to correctional services; to amend section 77-2602, Reissue Revised Statutes of Nebraska, and section 83-905, Revised Statutes Supplement, 1997; to provide juvenile procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 918.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to corrections; to provide for the offense of sexual assault of an inmate or parolee; and to provide a penalty.

**LEGISLATIVE BILL 919.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to capital punishment; to amend section 28-105.01, Reissue Revised Statutes of Nebraska; to provide an exemption for persons with developmental disabilities; and to repeal the original section.

**LEGISLATIVE BILL 920.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to allow an income tax credit for political contributions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 921.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water wells; to amend section 46-1235, Revised Statutes Supplement, 1996; to prohibit the drilling of wells in portions of the Republican River Basin; to provide penalties; to require meters; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 922.** Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Bruning, 3; Elmer, 44; Preister, 5; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to game and parks; to amend sections 2-32,101, 28-1007, 37-103, 37-109, 37-202.01, 37-203, 37-204.01, 37-204.02, 37-205, 37-208, 37-209, 37-212, 37-213.01 to 37-213.06, 37-214.01 to 37-214.04, 37-215.02, 37-215.05, 37-216, 37-226 to 37-228, 37-232 to 37-234, 37-301 to 37-304, 37-304.02 to 37-307, 37-309, 37-310, 37-401 to 37-406, 37-407, 37-408, 37-410 to 37-412, 37-415 to 37-417, 37-419 to 37-427, 37-429 to 37-438, 37-501 to 37-502, 37-503.05 to 37-504, 37-506, 37-507, 37-508 to 37-510, 37-512, 37-513, 37-515 to 37-518, 37-520, 37-523 to 37-526, 37-528, 37-529, 37-531, 37-534 to 37-538, 37-601 to 37-608, 37-610 to 37-614, 37-712 to 37-714, 37-716 to 37-718, 37-720 to 37-726, 37-901.01 to 37-908, 37-910 to 37-914, 37-1001 to 37-1008, 37-1101, 37-1102, 37-1104, 37-1105, 37-1107.01 to 37-1114, 37-1212, 37-1269, 37-1273, 37-1302 to 37-1304, 37-1401 to 37-1408, 37-1501, 37-1502, 37-1504 to 37-1506, 37-1508, 39-312, 60-646, 60-6,353, 72-261, 77-27,119.01, 81-801 to 81-802, 81-804, 81-805, 81-805.02 to 81-805.04, 81-807 to 81-809, 81-810 to 81-812, 81-814 to 81-815, 81-815.21 to 81-815.33, 81-815.36, 81-815.45, 81-815.50, 81-815.51, 81-815.53, 81-815.55, 81-815.56, 81-815.58 to 81-815.65, and 85-162.03 to 85-162.05, Reissue Revised Statutes of Nebraska, sections 11-201, 37-104, 37-110, 37-111, 37-201, 37-202.02, 37-202.03, 37-204, 37-206, 37-213, 37-215.01, 37-215.04, 37-215.08, 37-216.02, 37-216.04 to 37-216.09, 37-304.01, 37-311, 37-428, 37-439, 37-507.01, 37-511, 37-511.01, 37-529.01 to 37-530, 37-532, 37-533, 37-609, 37-702, 37-705 to 37-707, 37-711, 37-711.01, 37-719, 37-1217, 37-1227, 37-1291, 37-1503, 37-1507, 37-1510, and 81-2801, Revised Statutes Supplement, 1996, and sections 37-101, 37-102, 37-105, 37-202, 37-204.03, 37-211, 37-211.01, 37-215, 37-215.03, 37-216.01, 37-308, 37-503, 37-505, 37-703, 37-715, 37-901, 37-1103, 37-1214, 39-311, and 81-803.01, Revised Statutes Supplement, 1997; to amend, transfer, and repeal provisions relating to the Game and Parks Commission and Chapter 37; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-207, 37-215.06, 37-215.07, 37-235, 37-406.01, 37-406.02, 37-418, 37-519, 37-527, 37-901.01, 37-909, 37-1301, 37-1509, 81-805.01, and 81-815.52, Reissue Revised Statutes of Nebraska, and sections 37-216.03 and 37-1305, Revised Statutes 1 922 LB 922 1 Supplement, 1996.

**LEGISLATIVE BILL 923.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend sections 48-721 and 48-741, Reissue Revised Statutes of Nebraska, sections 48-730 and 48-731, Revised Statutes Supplement, 1996, and sections 48-722 and 48-726, Revised Statutes Supplement, 1997; to change state boiler inspector, boiler inspection, special inspector commission, and board meeting provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 924.** Introduced by Hillman, 48; Bohlke, 33; Brown, 6; Coordsen, 32; Kiel, 9; D. Pederson, 42; Raikes, 25; Wehrbein, 2; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 2-1570, 9-812, 81-1108, 81-1116, 81-1116.02, 81-1117.02, 81-1120.38, 81-1167, 81-2304, 81-2308, 81-2602, and 81-2604, Reissue Revised Statutes of Nebraska, sections 81-1102, 81-1107, 81-1117, 81-1120.17, 81-1195, and 81-1199, Revised Statutes Supplement, 1996, and sections 84-1205.01 and 84-1205.05, Revised Statutes Supplement, 1997; to state intent; to create the Nebraska Information Technology Commission, councils, a panel, the office of Chief Information Officer, the Information Resources Cabinet, a training program, and funds; to provide a termination date; to provide and change powers and duties; to rename a division of the Department of Administrative Services; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 925.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court.

**LEGISLATIVE BILL 926.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to fees; to amend section 33-107.02, Revised Statutes Supplement, 1997; to change court docket fee provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 927.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-490, Reissue Revised Statutes of Nebraska; to change the expiration date of licenses and state identification cards; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 928.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change provisions relating to retail license suspension; and to repeal the original section.

**LEGISLATIVE BILL 929.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to change the income tax credit for household and dependent care services; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 930.** Introduced by Robak, 22; Hilgert, 7; Kiel, 9.

A BILL FOR AN ACT relating to property tax; to require a reduction in property tax levies in certain situations; and to provide an operative date.

**LEGISLATIVE BILL 931.** Introduced by Suttle, 10; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2701, Revised Statutes Supplement, 1997; to provide an exemption for certain voluntary fire and rescue organizations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 932.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,115, Reissue Revised Statutes of Nebraska; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 933.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,126 and 60-4,127, Reissue Revised Statutes of Nebraska, section 60-4,112, Revised Statutes Supplement, 1996, and sections 60-462 and 60-601, Revised Statutes Supplement, 1997; to exempt motorcycles used exclusively for agriculture from registration and operator's license requirements and to authorize restricted highway use; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 934.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3526 and 77-3527, Reissue Revised Statutes of Nebraska, and section 77-3508, Revised Statutes Supplement, 1997; to change exemptions based on disability; to change defined terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 935.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3445, Reissue Revised Statutes of Nebraska, and sections 77-1601 to 77-1601.02, Revised Statutes Supplement, 1997; to change procedures regarding preliminary requests for tax levies; to harmonize provisions; and

to repeal the original sections.

**LEGISLATIVE BILL 936.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1233, Revised Statutes Supplement, 1997; to change provisions relating to producing a prisoner for examination in court; and to repeal the original section.

**LEGISLATIVE BILL 937.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to telemarketing; to adopt the Telemarketing and Prize Promotions Act.

**LEGISLATIVE BILL 938.** Introduced by Bruning, 3; Brown, 6; Dw. Pedersen, 39; Robak, 22; Schrock, 38; Suttle, 10; Vrtiska, 1.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-376 and 19-701, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 939.** Introduced by Brown, 6; Brashear, 4; Bruning, 3; Coordsen, 32; Dierks, 40; Hartnett, 45; Raikes, 25; Thompson, 14; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend sections 77-4928, 77-4929, and 77-4934.01, Reissue Revised Statutes of Nebraska; to change investment and employment requirements; to harmonize provisions; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 940.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to school district reorganization; to amend section 79-447, Revised Statutes Supplement, 1997; to change special election requirements; and to repeal the original section.

**LEGISLATIVE BILL 941.** Introduced by Janssen, 15; Hudkins, 21; Vrtiska, 1.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-1,104 and 77-2708, Reissue Revised Statutes of Nebraska; to change provisions relating to licensees' penalties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 942.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to provide for valuation of recently sold real property for property tax purposes.

**LEGISLATIVE BILL 943.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to change the sales tax rate; and to repeal the original section.

**LEGISLATIVE BILL 944.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 1997; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 945.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to abandoned vehicles; to amend section 60-1902, Reissue Revised Statutes of Nebraska; to change the dollar value required of an abandoned vehicle in order for title to vest in the local authority; and to repeal the original section.

**LEGISLATIVE BILL 946.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to cities and villages; to eliminate bond requirements as prescribed for cities of the first and second class and villages.

**LEGISLATIVE BILL 947.** Introduced by Tyson, 19; Bromm, 23; Hilgert, 7.

A BILL FOR AN ACT relating to communications; to create the Task Force for the Nebraska State Radio Communication System; to state intent; to provide powers and duties; and to declare an emergency.

**LEGISLATIVE BILL 948.** Introduced by Brown, 6; Jensen, 20.

A BILL FOR AN ACT relating to public health; to amend section 71-529, Reissue Revised Statutes of Nebraska; to provide for exchange of immunization information; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 949.** Introduced by Jensen, 20; Preister, 5; Schimek, 27; Suttle, 10; Wesely, 26; at the request of the Governor.

A BILL FOR AN ACT relating to public health; to amend sections 28-1424 and 28-1425, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Supplement, 1997; to adopt the Department of Health and Human Services Tobacco Central Registry Act; to provide for the suspension and revocation of tobacco licenses; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 950.** Introduced by Wickersham, 49; Dierks, 40.

A BILL FOR AN ACT relating to garnishment; to amend section 42-364, Reissue Revised Statutes of Nebraska, and sections 25-1056, 43-1718.02, and 43-3334, Revised Statutes Supplement, 1997; to authorize and change administrative fees for garnishees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 951.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Governor; to create the Governor's Residence Advisory Commission; and to provide powers and duties.

**LEGISLATIVE BILL 952.** Introduced by Dierks, 40; Schmitt, 41.

A BILL FOR AN ACT relating to health; to authorize the use of laetrile under certain circumstances; to provide powers and duties; and to provide for liability limitations.

**LEGISLATIVE BILL 953.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to funeral establishments; to amend section 71-1301, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 954.** Introduced by Will, 8; Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to authorize a state refund for increased property taxes imposed on homesteads.

**LEGISLATIVE BILL 955.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to motor fuel tax; to amend sections 66-482, 66-490 to 66-493, 66-4,141, 66-4,143, 66-651, 66-685, 66-686, 66-698, 66-6,100, 66-712, 66-719.01, 66-727, 66-737, and 77-2704.05, Reissue Revised Statutes of Nebraska, sections 39-2215 to 39-2216, Revised Statutes Supplement, 1996, and section 66-4,144, Revised Statutes Supplement, 1997; to adopt the Liquified Petroleum Gas Tax Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 956.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to motorboats; to amend section 37-1211, Revised Statutes Supplement, 1996; to change provisions relating to certificates of number; and to repeal the original section.

**LEGISLATIVE BILL 957.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to motor vehicles; to amend sections

60-1901 to 60-1906 and 60-1908 to 60-1911, Reissue Revised Statutes of Nebraska; to change provisions relating to abandoned motor vehicles; to provide for disposition of unclaimed motor vehicles; to harmonize provisions; and to repeal the original sections.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 302.** Introduced by Wesely, 26; Bruning, 3; C. Peterson, 35; Schimek, 27; Wehrbein, 2; Crosby, 29; Bohlke, 33; Chambers, 11.

PURPOSE: The purpose of this resolution is to re-authorize the LR 282 Committee of 1997 to continue the study on gender and race equity.

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

1. That a special committee of the Legislature shall be reappointed to continue an interim study to carry out the purposes of this resolution.

2. That the 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 December 1, 1998.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 303CA.** Introduced by Abboud, 12.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 4:

V-4 "The Chief Justice and the Judges of the Supreme Court shall be selected as provided in this Article V. They ~~shall~~ may reside at the place where the court is located, and ~~but~~ no Chief Justice or Judge of the Supreme Court shall be deemed thereby to have lost his or her residence at the place from which he or she was selected. The offices of the Chief Justice and Judges of the Supreme Court shall be at the place where the court is located.".

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 residence and office requirements for the Chief Justice and Judges of the Supreme Court.

For

Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 304CA.** Introduced by Will, 8.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 1:

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~~ The Legislature may classify property for purposes of taxation; (2) taxes shall be levied by valuation uniformly and proportionately upon ~~all real property and franchises~~ all property within a class as defined by the Legislature except as otherwise provided in or permitted by this Constitution; ~~(2)~~ (3) 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)~~ (4) 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)~~ (5) the Legislature may prescribe standards and methods for the determination of the value of ~~real~~ property in a class at uniform and proportionate values; ~~(7)~~ and (6) 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.".

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 classify property for purposes of taxation, to require uniform and proportionate taxation of property within a class, and to eliminate provisions dealing with classification of property for purposes of taxation.

For

Against".

Referred to the Reference Committee.

## ANNOUNCEMENTS

Mrs. Crosby designates LB 799 as her priority bill.

Mrs. Kiel designates LB 497 as her priority bill.

## EXECUTIVE BOARD ANNOUNCEMENT

The Executive Board announces the following committee changes made over the interim:

Senator Willhoft has been appointed to the Education Committee and Government, Military and Veterans Affairs Committee.

Senator Stuhr has been appointed to the Natural Resources Committee and the Education Commission of the States and no longer serves on the Government, Military and Veterans Affairs Committee.

Senator Hudkins has been appointed to the Executive Board.

## AMENDMENTS - Print in Journal

Mrs. Suttle filed the following amendment to LB 301:
AM2752

1. Strike original section 13 and all amendments thereto and insert the following new section:

"Sec. 13. Those program directors, supervisors, staff, members of boards of directors of the court appointed special advocate programs, and court appointed special advocates who are participating in a court appointed special advocate program on a volunteer basis shall not be civilly liable for acts or omissions committed in connection with the duties which are a part of the program, except to the extent provided in Public Law 105-19.".

Mr. Tyson filed the following amendment to LB 499:
AM2720

1. Strike original sections 1 to 7 and 9 to 11 and insert the following new section:

"Sec. 2. Original section 70-637, Reissue Revised Statutes of Nebraska, is repealed.".

2. Renumber the remaining section accordingly.

Mr. Tyson filed the following amendment to LB 87:
AM0903

1. On page 2, line 12, after "(2)" insert "Clergy shall be allowed to visit persons confined in a facility. Such visitation may occur by approved clergy during reasonable hours and also in verifiable emergencies pursuant to rules and regulations of the department.

(3)".

## MOTION - Executive Board Member

Mr. Jones was nominated from District 3.

## ANNOUNCEMENT

Mr. Will announced the Rules Committee will meet January 8, 1998, at 10:30 a.m., in Room 2022.

## VISITORS

Visitors to the Chamber were Marjorie Wagner from Norfolk; and Becky Markle and Jim Keef from Lincoln.

## ADJOURNMENT

At 12:14 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 10:00 a.m., Thursday, January 8, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# SECOND DAY – JANUARY 8, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 8, 1998

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

## ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Vrtiska, Wehrbein, Wesely, Will, and Mrs. Hillman who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 158, line 2, insert "and the Education Commission of the States" after "Committee."
Page 158, after line 4, insert "Senator Hudkins has been appointed to the Executive Board."
The Journal for the first day was approved as corrected.

## MOTION - Adopt Temporary Rules

Speaker Kristensen moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 8, 1998.

The motion prevailed.

## COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby offered the following Committee on Committees report:

1. Senator Nancy Thompson assigned to the Banking, Commerce and Insurance Committee and to the Health and Human Services Committee.

2. Senator Raikes reassigned to the Education Committee.

3. Senator Chris Peterson reassigned to the Revenue Committee.

## ANNOUNCEMENT

Mrs. Hillman designates LB 924 as her priority bill.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills, resolution, and appointments:

| LB | Committee |
|---|---|
| 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 | General File |
| 901 | General File |
| 902 | General File |
| 903 | General File |
| 904 | General File |
| 905 | Government, Military and Veterans Affairs |
| 906 | Judiciary |
| 907 | Banking, Commerce and Insurance |
| 908 | Transportation |
| 909 | Transportation |
| 910 | Education |
| 911 | Revenue |
| 912 | Health and Human Services |
| 913 | Revenue |
| 914 | Revenue |
| 915 | Appropriations |
| 916 | Revenue |
| 917 | Judiciary |
| 918 | Judiciary |
| 919 | Judiciary |
| 920 | Revenue |
| 921 | Natural Resources |
| 922 | Natural Resources |
| 923 | Business and Labor |
| 924 | Government, Military and Veterans Affairs |
| 925 | Appropriations |
| 926 | Judiciary |
| 927 | Transportation |
| 928 | General Affairs |
| 929 | Revenue |
| 930 | Revenue |

| | |
|---|---|
| 931 | Revenue |
| 932 | Banking, Commerce and Insurance |
| 933 | Transportation |
| 934 | Revenue |
| 935 | Revenue |
| 936 | Judiciary |
| 937 | Transportation |
| 938 | Urban Affairs |
| 939 | Revenue |
| 940 | Education |

| **LR** | **Committee** |
|---|---|
| 303CA | Judiciary |

Acklie, Gene - Public Roads Classifications and Standards Board -- Transportation

Alberts, Michael P. - Nebraska Ethanol Board -- Natural Resources

Andrews, Dr. Charles E. - Chief Medical Officer -- Health and Human Services

Bahr, Louise "Peppy" - Nebraska Arts Council -- General Affairs

Bataillon, Pamela D. - Nebraska Health and Human Services Partnership Council -- Health and Human Services

Becker, Chris - Board of Emergency Medical Services -- Health and Human Services

Beins, Bruce - Board of Emergency Medical Services -- Health and Human Services

Bisson, Bruce W. - Nebraska Investment Council -- Nebraska Retirement Systems

Bourn, Carlene - Foster Care Review Board -- Health and Human Services

Brandt, David N. - Nebraska Coordinating Commission for Postsecondary Education -- Education

Budke, Stephan - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

Carr, Elnora - Nebraska Health and Human Services Partnership Council -- Health and Human Services

Cheney, Melanie - Board of Emergency Medical Services -- Health and Human Services

Coupland, Robert D. - Game and Parks Commission -- Natural Resources

Dalton, Alice - Board of Emergency Medical Services -- Health and Human Services

Day, Connie J. - Nebraska Health and Human Services Partnership Council -- Health and Human Services

Doolittle, Doak P., M.D. - Board of Emergency Medical Services -- Health and Human Services

Evans, Charles - Nebraska Health and Human Services Partnership Council -- Health and Human Services

Fletcher, Janet - Rural Health Advisory Commission -- Health and Human Services

Freer, Marcia M. - Rural Health Advisory Commission -- Health and Human Services

Frey, Donald R., M.D. - Rural Health Advisory Commission -- Health and Human Services

Gilmore, Marquis Reed - Oil and Gas Conservation Commission -- Natural Resources

Giltner, Frank P. - Nebraska Environmental Trust Board -- Natural Resources

Grutsch, Mike - Board of Emergency Medical Services -- Health and Human Services

Hans, Robert L. - Tax Equalization and Review Commission -- Revenue

Heime, William - Board of Emergency Medical Services -- Health and Human Services

Jensen, Clinton K. - Nebraska Ethanol Board -- Natural Resources

Kelly, Robert J. - Nebraska Railway Council -- Transportation

Klitgaard, Donald, M.D. - Rural Health Advisory Commission -- Health and Human Services

Lindholm, William - Public Roads Classifications and Standards Board -- Transportation

Madison, William - Board of Emergency Medical Services -- Health and Human Services

Matzke, Gerald E., Jr., M.D. - Board of Emergency Medical Services -- Health and Human Services

McClellan, John, Jr. - Nebraska Highway Commission -- Transportation

McDonnell, Robert - Board of Emergency Medical Services -- Health and Human Services

Morten, Dr. Helen E. - Coordinating Commission for Postsecondary Education -- Education

Mundy, Robert E. - Board of Educational Lands and Funds -- Education

Nelson, Andrea - State Board of Health -- Health and Human Services

O'Hara, Ann - Nebraska Arts Council -- General Affairs

Pearson, James A. - Board of Parole -- Judiciary

Peters, Gretchen - Nebraska Arts Council -- General Affairs

Renteria, Steven - Foster Care Review Board -- Health and Human Services

Schaefer, Joe - Board of Emergency Medical Services -- Health and Human Services

Schaffer, Dallas - Board of Emergency Medical Services -- Health and Human Services

Schlotman, Diane - Rural Health Advisory Commission -- Health and Human Services

Scott, Rex - Board of Emergency Medical Services -- Health and Human Services

Seacrest, Eric R. - Nebraska Coordinating Commission for Postsecondary Education -- Education

Shannon, Michael D. - Nebraska Railway Council -- Transportation

Sher, Bradley L. - Nebraska Health and Human Services Partnership Council -- Health and Human Services

Sitorius, Michael, M.D. - Rural Health Advisory Commission -- Health and Human Services

Sivick, Robert J. - Nebraska Accountability and Disclosure Commission -- Government, Military and Veterans Affairs

Sonntag, Thomas M. - Oil and Gas Conservation Commission -- Natural Resources

Stoddard, Ronald - Nebraska Ethanol Board -- Natural Resources

Stumpf, Sharon - Board of Emergency Medical Services -- Health and Human Services

Travilik, James A. - Motor Carrier Advisory Council -- Transportation

Vrbicky, Keith W., M.D. - Coordinating Commission for Postsecondary Education -- Education

Wanitschke, Donna M. - Nebraska Highway Commission -- Transportation

Westcott, Michael, M.D. - Board of Emergency Medical Services -- Health and Human Services

Yanney, Gail - Nebraska Arts Council -- General Affairs

Yonkey, Arthur B. - Public Roads Classifications and Standards Board -- Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## RESOLUTION

**LEGISLATIVE RESOLUTION 305.** Introduced by Robak, 22.

WHEREAS, the 1997 Class C-1 State High School Volleyball Championship was won by Scotus Central Catholic High School of Columbus, Nebraska; and

WHEREAS, the Shamrocks won their third consecutive Class C-1 volleyball title; and

WHEREAS, the Shamrocks defeated the Hershey Panthers 15-5 and 15-4 for the title; and

WHEREAS, the Scotus Central High School Volleyball team is the first Class C-1 team ever to win three straight championships.

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

1. That the Legislature extends its congratulations and best wishes to Coach John Peterson, the assistant coaches, and members of the team.

2. That a copy of this resolution be sent to John Peterson at Scotus Central Catholic High School.

Laid over.

## ANNOUNCEMENT

The Chair announced today is Senator Hilgert's birthday.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 958.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to civil judgments; to amend section 24-734, Reissue Revised Statutes of Nebraska; to eliminate postcard requirements; to repeal the original section; and to outright repeal section 25-1301.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 959.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to juvenile crime; to amend section 43-279, Reissue Revised Statutes of Nebraska, section 83-472, Revised Statutes Supplement, 1996, and sections 29-2204 and 43-247, Revised Statutes Supplement, 1997; to change court jurisdiction; to eliminate certain juvenile fingerprinting provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 43-252, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 960.** Introduced by Brown, 6.

A BILL FOR AN ACT relating to state government; to provide for judicial membership on advisory committees.

**LEGISLATIVE BILL 961.** Introduced by Brown, 6.

A BILL FOR AN ACT relating to county treasurers; to amend section 10-139, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to transfers of funds; to harmonize provisions; to repeal the original section; and to outright repeal sections 77-1759 to 77-1761, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 962.** Introduced by Kristensen, 37; Beutler, 28; Bruning, 3; Coordsen, 32; Elmer, 44.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Universal Service Fund Act; to amend section 86-1401, Revised Statutes Supplement, 1997; to eliminate a termination date; to harmonize provisions; to repeal the original section; and to outright repeal section 86-1411, Revised Statutes Supplement, 1997.

**LEGISLATIVE BILL 963.** Introduced by Schrock, 38; Bohlke, 33; Bruning, 3; Elmer, 44; Engel, 17; D. Pederson, 42; Stuhr, 24.

A BILL FOR AN ACT relating to natural resources districts; to provide for weather modification programs.

**LEGISLATIVE BILL 964.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to elections; to amend section 32-813, Revised Statutes Supplement, 1996; to change provisions relating to the order of the statewide general election ballot; and to repeal the original section.

**LEGISLATIVE BILL 965.** Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to counties; to amend section 23-3502, Reissue Revised Statutes of Nebraska; to permit a board of trustees of a county medical facility to have seven members; and to repeal the original section.

**LEGISLATIVE BILL 966.** Introduced by Schmitt, 41; Jensen, 20.

A BILL FOR AN ACT relating to political subdivisions; to provide for fees generated from certain pretrial diversion programs.

**LEGISLATIVE BILL 967.** Introduced by Schmitt, 41; Dierks, 40.

A BILL FOR AN ACT relating to livestock; to amend sections 54-101 and 54-101.01, Reissue Revised Statutes of Nebraska; to change brand provisions; and to repeal the original sections.

**LEGISLATIVE BILL 968.** Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-155, Revised Statutes Supplement, 1997; to require the Director of Regulation and Licensure to attend certain proceedings; and to repeal the original section.

**LEGISLATIVE BILL 969.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-104, 29-115, 29-116, 29-117, 29-118, 29-824, 29-825, and 29-826, Reissue Revised Statutes of Nebraska; to redefine a term; to change and eliminate provisions relating to the filing of suppression motions; to eliminate miscellaneous provisions relating to the county court; to repeal the original sections; and to outright repeal sections 24-586, 24-587, 24-588, 24-589, 24-590, and 29-827, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 970.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1227, Reissue Revised Statutes of Nebraska, and section 25-2704,

Revised Statutes Supplement, 1997; to authorize county courts to compel attendance of witnesses; to change pleading procedure in county courts; to provide for and eliminate provisions regarding setting aside default judgments; to repeal the original sections; and to outright repeal section 25-2720, Reissue Revised Statutes of Nebraska.

**MOTION - Executive Board Member**

Mr. Dierks moved to approve the 3rd District Caucus Report appointing Mr. Jones to the vacated seat on the Executive Board.

The motion prevailed.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 971.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1716 to 77-1718, 77-1719.01, 77-1719.02, and 77-1742, Reissue Revised Statutes of Nebraska; to change personal property delinquency dates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 972.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to abortion; to amend section 71-6906, Reissue Revised Statutes of Nebraska; to change provisions relating to notice of a minor's abortion; and to repeal the original section.

**LEGISLATIVE BILL 973.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to counties; to amend section 84-712.01, Reissue Revised Statutes of Nebraska; to change a provision relating to access to public records by modem; and to repeal the original section.

**LEGISLATIVE BILL 974.** Introduced by Wickersham, 49; Preister, 5.

A BILL FOR AN ACT relating to emergency management; to ratify the Emergency Management Assistance Compact.

**LEGISLATIVE BILL 975.** Introduced by Wickersham, 49; Robinson, 16.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-506, Reissue Revised Statutes of Nebraska; to change provisions relating to hearing appearances; and to repeal the original section.

**LEGISLATIVE BILL 976.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to direct the Board of Trustees of the Nebraska State Colleges to provide a plan regarding Peru State College as prescribed.

**LEGISLATIVE BILL 977.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to schools; to provide for phonics instruction.

**LEGISLATIVE BILL 978.** Introduced by Preister, 5; Hilgert, 7; Kiel, 9.

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 979.** Introduced by Preister, 5; Hilgert, 7; Kiel, 9.

A BILL FOR AN ACT relating to insurance; to require disclosure of rating factors for automobile liability insurance.

**LEGISLATIVE BILL 980.** Introduced by Preister, 5; Hilgert, 7; Kiel, 9; Lynch, 13.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3510 and 77-3512, Revised Statutes Supplement, 1997; to change provisions relating to application forms and deadlines; and to repeal the original sections.

**LEGISLATIVE BILL 981.** Introduced by Crosby, 29; Dierks, 40; Engel, 17; Hartnett, 45; Jones, 43; Witek, 31.

A BILL FOR AN ACT relating to homicide; to amend sections 28-302 and 28-305, Reissue Revised Statutes of Nebraska, and section 28-306, Revised Statutes Supplement, 1997; to define "unborn person" and to redefine "person"; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 982.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5003, 77-5005, 77-5009, and 77-5013, Reissue Revised Statutes of Nebraska, and sections 77-5001, 77-5016, 77-5024, and 77-5026, Revised Statutes Supplement, 1997; to change the membership of the Tax Equalization and Review Commission; to provide powers to the commission; to authorize closed deliberations; to change review procedures and evidentiary standards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 983.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to Boiler Inspection Act; to amend sections 48-720, 48-722, and 48-726, Revised Statutes Supplement, 1997; to redefine a term; to provide for exemptions and change certain inspection requirements; and to repeal the original sections.

**LEGISLATIVE BILL 984.** Introduced by Wehrbein, 2; Dierks, 40; Hudkins, 21; Jones, 43; Schrock, 38.

A BILL FOR AN ACT relating to livestock; to provide highway and collision action restrictions.

**LEGISLATIVE BILL 985.** Introduced by Schimek, 27; Dierks, 40; Janssen, 15; Matzke, 47; Preister, 5; Stuhr, 24; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to insurance; to require coverage for diabetes-related equipment, supplies, medication, and education; and to provide an operative date.

**LEGISLATIVE BILL 986.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to isolated land; to amend section 39-1716, Reissue Revised Statutes of Nebraska; to change provisions relating to obtaining access to isolated land; to define a term; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 306CA.** Introduced by Brown, 6.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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:

IX-6 "(1) The territories and governments of any city or village and of the county in which the city or village is located may be unified into one political subdivision under a charter form of government known as a home rule charter county. Creation of a home rule charter county may be proposed by: (a) Petition filed with the county board signed by registered voters of the county in number not less than five percent of the voters voting in the county at the most recent gubernatorial election; or (b) resolution of both the county board and the governing body of any city or village in the county. At the next primary or general election after the filing and verification of the petition or after the adoption of a resolution by both the county and the city or village, members of a charter convention shall be elected consisting of fifteen freeholders who have been registered voters of the county for at least five years at the time of the election.

(2) The convention shall frame a charter for the home rule charter county.

Within four months after election of the charter convention, the proposed charter shall be delivered to the county clerk who shall publish the proposed charter in at least one paper of general circulation within the county once each week for three consecutive weeks. Not less than thirty days after the last publication, the proposed charter shall be submitted to the registered voters of the county, inclusive of the ~~city or village~~ cities and villages, at a primary or general election or a special election called for that purpose. The charter shall specify the cities or villages which will be unified into the home rule charter county. Any alternative article or section of the proposed charter may be voted on separately without prejudice to others.

(3) If the proposed charter is rejected, the home rule charter county shall not be formed until a new charter convention is called and elected as provided in this section.

(4) If a majority of those voting on the issue vote in favor of the charter, at the end of sixty days after the election the charter of the home rule charter county shall take effect. The new governing body for the home rule charter government shall then convene and the governing bodies of the county and the city or village shall be dissolved. Duplicate copies of the charter shall be certified by the county clerk and authenticated by the corporate seal of the county, and one copy shall be filed with the Secretary of State and another filed in the archives of the county. The home rule charter county shall have all functions, obligations, rights, powers, and privileges exercised by, held by, or granted to the county, to any city or village unifying into the home rule charter county, or to the officials of the county, city, or village prior to dissolution. 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. To the extent necessary to prevent impairment of any rights, the general obligation bond indebtedness of the city, village, or county at the time of dissolution remains the obligation solely of the city, village, or county as it existed immediately prior to dissolution.

(5) If creation or operation of the home rule charter county is inconsistent with other provisions of this Constitution or the laws of the State of Nebraska, the provisions of this section and the charter adopted under this section shall prevail. Nothing in this section shall authorize creation of a home rule charter county other than by unification of one or more cities or villages into the county in which they are located.".

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 unifying the territories and governments of a county and any city or village within the county to form a home rule charter county.

For

Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 307CA.** Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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, add a new section 9 to Article IV, and repeal Article IV, section 27:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, and the heads of such other executive departments as determined by the Governor. ~~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 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, 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."

IV-9 "All functions of the executive branch of state government shall be allocated according to major purpose. In allocating the administration of each department, the Governor shall place the department under the direct supervision of the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, or a single executive officer appointed by and serving at the pleasure of the Governor. Proposed structural changes in the executive branch shall, in all necessary detail, be submitted to the Legislature in the form of an executive order. The Legislature shall have sixty consecutive legislative days, in one or more legislative sessions, to disapprove of each such executive order."

IV-27 "Article IV, section 27, 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 require the Governor to allocate functions and administration of the executive branch of state government subject to legislative disapproval and to eliminate limitations on the creation of executive state offices.

For

Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 308CA.** Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 13 and 14, and Article XIII, section 1, and repeal Article VII, section 10:

VII-13 "On January 1, 2000, a single board shall be responsible for the general governance of the state university, the state colleges, and such other public postsecondary educational, research, or allied service institutions, except community colleges, which are in existence on or after the effective date of this amendment and which are subject to coordination by the Coordinating Commission for Postsecondary Education. The board shall consist of not less than seven nor more than fifteen members, as set by the Legislature. Student representatives may be ex-officio members as the board authorizes. All voting board members shall be appointed by the Governor with the approval of a majority of the Legislature. Voting board members shall have terms of three to nine years, as set by the Legislature. Board members shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses. ~~The general government of the state colleges as now existing, and such other state colleges as may be established by law, shall be vested, under the direction of the Legislature, in a board of seven members to be styled as designated by the Legislature, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein.~~"

VII-14 "On January 1, 1992, there shall be established the Coordinating Commission for Postsecondary Education which shall, under the direction of the Legislature, be vested with the authority for the coordination of public postsecondary educational institutions. Public postsecondary educational

institutions shall include each postsecondary educational campus or institution which is governed by the ~~Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges~~ governing board of the state university and state colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

Coordination shall mean:

(1) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (b) plans for facilities which utilize tax funds designated by the Legislature;

(2) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(3) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the ~~Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges~~ governing board of the state university and state colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

The Legislature may provide the commission with additional powers and duties related to postsecondary education as long as such powers and duties do not invade the governance and management authority of the ~~Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges~~ governing board as provided in ~~the Constitution of Nebraska,~~ Article VII, ~~sections 10 and~~ section 13, of this Constitution. The Legislature may provide that coordination of the community colleges by the commission pursuant to this section may be conducted through a board or association representing all the community colleges.

Nothing in this section providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

The commission shall consist of eleven members, residents of the state or the districts for which appointed, who shall be appointed by the Governor with the approval of a majority of the Legislature. Six of the members shall be chosen from six districts of approximately equal population and five shall be chosen on a statewide basis.

The terms of the members of the commission shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, four members shall serve for terms of two years and four members shall serve for terms of four years. The members of the commission shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses."

XIII-1 "The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt is paid; PROVIDED, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures; AND PROVIDED FURTHER, that the ~~Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges~~ governing board as provided in Article VII, section 13, of this Constitution and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide."

VII-10 "Article VII, section 10, 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 provide one appointive, governing board for the state university and state colleges, to eliminate the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges, and to harmonize provisions.

For
Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 309CA.** Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 XI, section 1:

XI-1 "Except as authorized by this section, no ~~No~~ city, county, town, precinct, municipality, or other ~~sub-division~~ subdivision of the state~~,~~ shall ever become a subscriber to or owner of the capital stock, ~~or owner of such stock,~~ or any portion or interest therein, of any railroad, ~~or~~ private corporation, or association. Notwithstanding any other provision in this Constitution, the Legislature may authorize such governmental subdivisions as it may determine by law to acquire, own, and invest in interests in corporations, partnerships, limited partnerships, limited liability companies, and partnerships and joint ventures with other persons or entities, whether public or private, for the sole purpose of providing housing for persons of low and moderate income. No such investment by any governmental subdivision shall create or result in a general obligation of the governmental subdivision, and any and all liability that may arise from or out of such investment shall be limited solely to the governmental subdivision's interest in such investment and any revenue derived from such investment.".

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 ownership arrangements and interests by governmental subdivisions with other public or private entities to provide housing for persons of low and moderate income.

For
Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 310CA.** Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 21:

V-21 "(1) In the case of any vacancy in the Supreme Court, ~~or~~ in ~~any~~

~~district~~ the appellate court, or in ~~such other court or courts made subject to this provision by law~~ any other inferior court, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him or her by the appropriate judicial nominating commission. If the Governor shall fail to make an appointment from the list within sixty days from the date it is presented to him or her, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court and each judge of the appellate court and any other inferior court ~~or district court or such other court or courts as the Legislature shall provide~~ shall have his or her right to remain in office subject to approval or rejection by the electorate in such manner as the Legislature shall provide. ~~; PROVIDED, that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification shall be deemed to have been selected and to have once received the approval of the electorate as herein provided, and shall be required to submit his right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed, and every six years thereafter.~~ In the case of the Chief Justice and each Judge of the Supreme Court and each judge of the appellate court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of ~~any Judge of the Supreme Court, other than the Chief Justice, and~~ any judge of ~~the district court or~~ any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court, ~~and~~ one for each judicial district of the Supreme Court and ~~of the district~~ the appellate court, and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as ~~chairman~~ chairperson, but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number to serve as members of ~~said~~ the commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of ~~said~~ the commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his or her nomination or for such additional period as the Legislature shall provide.

The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his or her name submitted to the Governor.".

Sec. 2. 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 retention of judges of the Supreme Court and Court of Appeals on a statewide basis.

For

Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 311CA.** Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 ~~legislative~~ calendar days excluding Sundays and state holidays 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~~ calendar days excluding Sundays and state holidays 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 legislative sessions.

For

Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 312.** Introduced by Wehrbein, 2; Crosby, 29; Elmer, 44; Bruning, 3; Landis, 46; Brown, 6; Witek, 31; Brashear, 4; Beutler, 28; Stuhr, 24; Robinson, 16; Engel, 17; Jensen, 20; Maurstad, 30; Robak, 22; Vrtiska, 1; Hartnett, 45; Schellpeper, 18; Bromm, 23; Schimek, 27; Jones, 43; Schrock, 38; Hilgert, 7; Schmitt, 41; Cudaback, 36; Hudkins, 21; Dierks, 40; Willhoft, 34; Preister, 5; Lynch, 13; Suttle, 10.

WHEREAS, the Nebraska Cornhusker football team, under the direction and leadership of Dr. Tom Osborne for the past 25 years, has achieved a level of success, both on and off the field of play, that is truly unparalleled in the world of collegiate athletics and academia; and

WHEREAS, the Cornhuskers, in Dr. Tom Osborne's tenure as the head coach of the men's football team, have won 255 games, twelve "Big 8" conference football championships, one "Big XII" conference football championship, and three national football championships; and

WHEREAS, Dr. Tom Osborne's .836 winning percentage is the fifth best in the history of NCAA Division 1-A football; and

WHEREAS, Dr. Tom Osborne attained 250 football victories faster than any coach in the history of college football; and

WHEREAS, under the guidance and tutelage of Dr. Tom Osborne, his players have received 55 first team All-America certificates, along with a nation-leading 46 student athletes participating as members of the Cornhusker football program earning first team Academic All-America honors; and

WHEREAS, the Nebraska Cornhusker football program has an outstanding 63 percent graduation rate of its student athletes from the University of Nebraska-Lincoln, a figure that leads the "Big XII" conference; and

WHEREAS, Dr. Tom Osborne and his wife, Nancy, have been, and continue to be, very instrumental and active in the development of their community by founding Husker Teammates and the Osborne Endowment for Youth, programs that encourage and help fund excellence in education for the youth of Nebraska; and

WHEREAS, Dr. Tom Osborne continues to be active as a contributing member of the Fellowship of Christian Athletes and is supportive of the efforts and goals of this national organization; and

WHEREAS, Dr. Tom Osborne exemplifies, both on and off the field of play, the values and qualities of integrity, character, steadfastness,

perseverance, and loyalty that Nebraskans hold dear to their hearts; and

WHEREAS, Dr. Tom Osborne, in his role as head coach of the Nebraska Cornhusker football team, has given the citizens of this state so much to cheer for over the past 25 years.

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

1. That the Legislature congratulates Dr. Tom Osborne for another fine football season.

2. That the State of Nebraska does hereby recognize, thank, and honor Dr. Tom Osborne for his many years of generous service, support, and commitment to his players (both past and present), fellow coaches, the University of Nebraska-Lincoln, the city of Lincoln, and the entire State of Nebraska.

3. That the State of Nebraska wishes Dr. Tom Osborne well in all of his future endeavors and mercy on all fish that cross his path.

4. That a copy of this resolution be delivered to the University of Nebraska Board of Regents for their acknowledgement.

Laid over.

**LEGISLATIVE RESOLUTION 313CA.** Introduced by Jones, 43.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 6:

III-6 "The Legislature shall consist of not more than ~~fifty~~ fifty-five members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise 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 change the number of members of the Legislature.

For

Against".

Referred to the Reference Committee.

**NOTICE OF COMMITTEE HEARING**
**Natural Resources**

| | | | |
|---|---|---|---|
| LB 921 | Thursday | January 15, 1998 | 2:30 p.m. |

(Signed) Chris Beutler, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 987.** Introduced by Jones, 43; Jensen, 20.

A BILL FOR AN ACT relating to homicide; to amend sections 28-302 and 28-305, Reissue Revised Statutes of Nebraska, and section 28-306, Revised Statutes Supplement, 1997; to redefine "person"; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 988.** Introduced by Wehrbein, 2; Engel, 17.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1997; to provide for a transfer of funds; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 989.** Introduced by Coordsen, 32; Hartnett, 45; Hilgert, 7; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18; Wickersham, 49; Will, 8; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518 to 13-521, 79-1023, 79-1025, 79-1028, and 79-1030, Reissue Revised Statutes of Nebraska, and sections 79-1026 and 79-1029, Revised Statutes Supplement, 1997; to change budget limitation provisions for political subdivisions and school districts as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 990.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to election officials; to amend sections 32-207, 32-209, and 32-213, Revised Statutes Supplement, 1996, and section 32-214, Revised Statutes Supplement, 1997; to authorize county boards of counties having over one hundred thousand inhabitants to appoint election commissioners; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 991.** Introduced by Abboud, 12.

A BILL FOR AN ACT relating to airports; to amend section 3-502, Revised Statutes Supplement, 1996; to change airport authority board membership; and to repeal the original section.

**LEGISLATIVE BILL 992.** Introduced by Wickersham, 49; Bohlke, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4101, Reissue Revised Statutes of Nebraska, and sections 77-27,187.01, 77-27,188, and 77-4103, Revised Statutes Supplement, 1997; to define terms; to provide for treatment of leased employees for certain tax benefits; to harmonize provisions; to provide an operative date; and to repeal the original

sections.

**LEGISLATIVE BILL 993.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 8-1401, 77-375, 77-27,144, and 77-4101, Reissue Revised Statutes of Nebraska, and sections 77-27,187, 77-27,187.01, and 77-4901, Revised Statutes Supplement, 1997; to provide for certain audit procedures and the production of records; to change refund provisions; to provide for the allocation of certain funds; to redefine a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 994.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-504, 13-508, and 13-509, Reissue Revised Statutes of Nebraska, section 32-559, Revised Statutes Supplement, 1996, and sections 51-201, 51-501, 60-305.15, 60-3001, 60-3004 to 60-3008, 70-651.05, 71-1637, 77-621, 77-802, 77-1504.01, 77-1601 to 77-1601.02, 77-1609, 77-1610, 77-1613, 77-1613.01, 77-1616, 77-3442 to 77-3444, 77-5007, 77-5030, 79-1018, and 80-202, Revised Statutes Supplement, 1997; to change provisions relating to determining and certifying property tax levies and property valuation; to provide for distribution of motor vehicle tax funds; to change motor vehicle tax provisions; to change funding for museums; to change certain special election provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 995.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska, and section 80-403, Revised Statutes Supplement, 1997; to change eligibility provisions for veterans relief and for waiver of tuition; to harmonize provisions; and to repeal the original sections.

## AMENDMENT - Print in Journal

Messrs. Schellpeper, Wickersham, Hartnett, Landis, Coordsen, Raikes, Will, and Mrs. C. Peterson filed the following amendment to LB 306:
(Amendment, AM2751, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

## VISITOR

The Doctor of the Day was Hank Newburn from Lincoln.

## ADJOURNMENT

At 11:05 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 10:00 a.m., Friday, January 9, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# THIRD DAY - JANUARY 9, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 9, 1998

Pursuant to adjournment, the Legislature met at 10:00 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, Landis, Robinson, and Will who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 156, line 22 through 41, strike through all language starting with "~~(3)~~" through "~~(5)~~".
Page 157, line 11 through 15, strike through all language starting with "~~; and~~" through "~~year.~~".
The Journal for the first day was approved as corrected.
The Journal for the second day was approved.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills, resolutions, and the rereferral of LB 924:

| LB | Committee |
|---|---|
| 924 | Appropriations |
| 941 | General Affairs |
| 942 | Revenue |
| 943 | Revenue |
| 944 | Business and Labor |
| 945 | Transportation |
| 946 | Urban Affairs |
| 947 | Transportation |
| 948 | Health and Human Services |

949 General Affairs
950 Judiciary
951 Government, Military and Veterans Affairs
952 Health and Human Services
953 Health and Human Services
954 Revenue
955 Revenue
956 Natural Resources
957 Transportation
958 Judiciary
959 Judiciary
960 Judiciary
961 Revenue
962 Transportation
963 Natural Resources
964 Government, Military and Veterans Affairs
965 Government, Military and Veterans Affairs
966 Judiciary
967 Agriculture
968 Health and Human Services
969 Judiciary
970 Judiciary
971 Revenue
972 Judiciary
973 Transportation
974 Government, Military and Veterans Affairs
975 Appropriations
976 Appropriations
977 Education
978 Banking, Commerce and Insurance
979 Banking, Commerce and Insurance
980 Revenue
981 Judiciary
982 Revenue
983 Business and Labor
984 Agriculture
985 Banking, Commerce and Insurance
986 Transportation
987 Judiciary
988 Appropriations
989 Revenue
990 Government, Military and Veterans Affairs
991 Urban Affairs
992 Revenue
993 Revenue
994 Revenue
995 Government, Military and Veterans Affairs

| LR | Committee |
|---|---|
| 304CA | Revenue |
| 306CA | Government, Military and Veterans Affairs |
| 307CA | Government, Military and Veterans Affairs |
| 308CA | Education |
| 309CA | Urban Affairs |
| 310CA | Judiciary |
| 311CA | Executive Board |
| 313CA | Executive Board |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## ANNOUNCEMENTS

Mr. Engel designates LB 320 as his priority bill.

Mr. Dw. Pedersen designates LB 611 as his priority bill.

## MESSAGES FROM THE GOVERNOR

January 8, 1998

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

Dear Madam President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Director of the Department of Insurance:

APPOINTEE: Timothy J. Hall, The Terminal Building, 941 O Street, Suite 400, Lincoln, NE 68508

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

January 8, 1998

Madam President, Speaker Kristensen
and Members of the Legislature
State Capitol Building

Lincoln, NE 68509

Dear Madam President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Director of the Heath and Human Services System, Department of Regulation and Licensure:

APPOINTEE: Gina C. Dunning, 7100 Lincolnshire Road, Lincoln, NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

January 8, 1998

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

Dear Madam President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed to the Director of the Department of Administrative Services:

APPOINTEE: Karen Kilgarin, 4340 Jacquelyn Circle, Lincoln, NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## REPORTS

The following reports were received by the Legislature:

**Economic Development, Department of**
Partnerships for Economic Development Act Annual Report

**Administrative Services, Department of**
Annual Budgetary Report

## MOTION - Print in Journal

Mr. Chambers filed the following motion to LB 924:
Rerefer LB 924 to Government Committee

## MOTION - Adopt Temporary Rules

Mr. Matzke moved that the Rules, as now in our possession, be adopted for today only, Friday, January 9, 1998.

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

The motion to adopt temporary rules prevailed.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 996.** Introduced by Will, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1417.01, Reissue Revised Statutes of Nebraska; to change provisions relating to auctions; and to repeal the original section.

**LEGISLATIVE BILL 997.** 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 Voluntary 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 998.** Introduced by Coordsen, 32; Bromm, 23; Kristensen, 37.

A BILL FOR AN ACT relating to fees; to amend sections 52-1302, 52-1307, 52-1312, 52-1313, 52-1318, 52-1602, and 77-2702.03, Reissue Revised Statutes of Nebraska, section 33-101, Revised Statutes Supplement, 1996, sections 60-308, 77-2701, and 84-1205.02, Revised Statutes Supplement, 1997, and sections 1-101, 9-306, 9-307, 9-411, 9-415, and 9-420, Uniform Commercial Code; to provide, change, and eliminate provisions relating to fees and distribution of fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 999.** Introduced by Schellpeper, 18; Cudaback, 36; Hartnett, 45; Janssen, 15; Robak, 22; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to

amend sections 53-180.04 and 53-180.05, Reissue Revised Statutes of Nebraska; to change penalties for certain violations by minors; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1000.** Introduced by Schellpeper, 18; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-480, 60-490, 60-4,180, 60-6,310, and 60-6,356, Reissue Revised Statutes of Nebraska, sections 60-4,115, 60-4,118, and 60-4,119, Revised Statutes Supplement, 1996, and sections 60-462, 60-479, and 60-4,181, Revised Statutes Supplement, 1997; to provide for minor's driver's licenses and minor's identification cards; to provide fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1001.** Introduced by Schellpeper, 18; Kiel, 9; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-133, Reissue Revised Statutes of Nebraska; to change provisions relating to protest; and to repeal the original section.

**LEGISLATIVE BILL 1002.** Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-211, 9-230.01, 9-232.01, 9-241.05, 9-255.02, 9-255.04 to 9-255.06, 9-255.08, 9-304, 9-309, 9-326, 9-340.02, 9-347, and 9-349, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to special event bingo, licensure, bingo equipment, expenses, gross proceeds, profits, payments, and reports; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1003.** Introduced by C. Peterson, 35.

A BILL FOR AN ACT relating to county officers; to amend section 23-3402, Reissue Revised Statutes of Nebraska; to provide duties for the public defender; to define terms; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1004.** Introduced by C. Peterson, 35; Beutler, 28; Bohlke, 33; Cudaback, 36; Jones, 43; Kristensen, 37; Schmitt, 41; Willhoft, 34.

A BILL FOR AN ACT relating to the Nebraska Resources Development Fund; to amend section 2-1588, Reissue Revised Statutes of Nebraska; to change provisions relating to restrictions on the allocation of funds; to repeal

the original section; and to declare an emergency.

**LEGISLATIVE BILL 1005.** Introduced by C. Peterson, 35; Bohlke, 33; Jones, 43; Kristensen, 37; Schmitt, 41; Willhoft, 34.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to appropriate funds as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 1006.** Introduced by Brown, 6; Wesely, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-1103, Revised Statutes Supplement, 1997; to change early childhood education pilot project program provisions; and to repeal the original section.

**LEGISLATIVE BILL 1007.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to elections; to amend section 32-1203, Revised Statutes Supplement, 1997; to require the state to reimburse the counties for election expenses relating to constitutional amendments; and to repeal the original section.

**LEGISLATIVE BILL 1008.** Introduced by Wickersham, 49; Bromm, 23.

A BILL FOR AN ACT relating to schools; to amend section 79-10,124, Reissue Revised Statutes of Nebraska; to change provisions relating to site and building fund levies for Class I school districts; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1009.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to motorboats; to amend section 37-1211, Revised Statutes Supplement, 1996, and section 37-1214, Revised Statutes Supplement, 1997; to change provisions relating to certificates of number; and to repeal the original sections.

**LEGISLATIVE BILL 1010.** Introduced by Abboud, 12; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120, 48-120.02, 48-151, and 48-173, Reissue Revised Statutes of Nebraska; to change provisions relating to medical issues; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1011.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to corrections; to amend section 83-4,122, Reissue Revised Statutes of Nebraska; to change provisions relating to inmate disciplinary proceedings; and to repeal the original section.

**LEGISLATIVE BILL 1012.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-913 and 83-417, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1997; to create the offense of introduction of contraband for escape; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1013.** Introduced by Janssen, 15; Cudaback, 36.

A BILL FOR AN ACT relating to cemetery associations; to amend section 12-515, Reissue Revised Statutes of Nebraska; to change provisions relating to acquisitions by condemnation; and to repeal the original section.

**LEGISLATIVE BILL 1014.** Introduced by Janssen, 15; Cudaback, 36; Tyson, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07 and 77-2702.17, Reissue Revised Statutes of Nebraska; to exempt certain United States Postal Service delivery charges from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**AMENDMENTS - Print in Journal**

Ms. Schimek filed the following amendment to LR 53:
AM2748

1. Strike the second "WHEREAS" paragraph and insert the following:

"WHEREAS, during the afternoon of the 5th of May in 1992, the Legislature of the State of Alabama provided the 38th and, therefore, determinative ratification of this 209-year-old constitutional amendment; and".

2. In the fifth "WHEREAS" paragraph, strike "Michigan's" and insert "Alabama" and strike "Kentucky" and insert "Michigan".

3. In the sixth "WHEREAS" paragraph, after "South Carolina," insert "Tennessee," and after "various" insert "other".

4. In the "RESOLVED" clause, strike "FIRST SESSION" and insert "SECOND SESSION".

5. In the first "RESOLVED" paragraph, insert "[U.S.]" before "Senators" and before both occurrences of "Representatives".

6. In the second "RESOLVED" paragraph, after the first occurrence of "United States" insert "(pursuant to the Act of Congress in 1984 numbered as Pub. L. No. 98-497)" and after the second occurrence of "United States" insert "(as the presiding officer of the United States Senate)".

Mrs. Crosby filed the following amendment to LB 629:
AM2731

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-3444, Revised Statutes Supplement, 1997, is amended to read:

77-3444. (1) A political subdivision, other than a Class I school district, may exceed the limits provided in section 77-3442 by an amount not to exceed a maximum levy approved by a majority of registered voters voting in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits provided in section 77-3442 must be approved prior to September 30 of the fiscal year which is to be the first to exceed the limits. The governing body of the political subdivision may call for the submission of the issue to the voters (a) by passing a resolution calling for exceeding the limits by a vote of at least two-thirds of the members of the governing body and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the political subdivision or (b) upon receipt of a petition by the county clerk or election commissioner of every county containing all or part of the political subdivision requesting an election signed by at least five percent of the registered voters residing in the political subdivision. The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in section 77-3442 and the duration of the excess levy. The excess levy shall not have a duration greater than five years. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty days after receipt of the resolution or petition. ~~The~~ Except as provided in this section, the election shall be held pursuant to the Election Act. Any excess levy approved under this section shall terminate pursuant to its terms, on a vote of the governing body of the political subdivision to terminate the authority to levy more than the limits, or at the end of the fourth fiscal year following the first year in which the levy exceeded the limit, whichever is earliest.

(2) The county clerk or election commissioner may set a uniform date for a special election to be held before September 30, 1998, to submit the issue of exceeding the limits provided in section 77-3442 to the voters of political subdivisions in the county seeking additional levy authority. Any political subdivision may individually or in conjunction with one or more other political subdivisions conduct a special election on a date different from that set by the county clerk or election commissioner.

(3) In lieu of the election procedures in subsection (1) of this section, any political subdivision subject to section 77-3443, other than a Class I school district, and villages may approve a levy in excess of the limits in section 77-3442 or the

allocation provided in section 77-3443 for a period of one year at a meeting of the residents of the political subdivision or village, called after notice is published in a newspaper of general circulation in the political subdivision or village at least twenty days prior to the meeting. At least ten percent of the registered voters residing in the political subdivision or village shall constitute a quorum for purposes of taking action to exceed the limits. If a majority of those casting votes at the meeting vote in favor of exceeding the limits, a copy of the record of that action shall be forwarded to the county board prior to September 30 and the county board shall authorize a levy as approved by the residents for the year.

(4) For purposes of this section, when the political subdivision is a sanitary and improvement district, registered voter means a person qualified to vote as provided in section 31-735. Any election conducted under this section for a sanitary and improvement district shall be conducted and counted as provided in sections 31-735 to 31-735.06.

(5) For purposes of this section, when the political subdivision is a school district or a multiple-district school system, registered voter includes both (a) persons qualified to vote for the members of the school board of the school district which is voting to exceed the maximum levy limits pursuant to this section and (b) persons in those portions of any Class I district which are affiliated with or a part of the school district which is voting pursuant to this section, if such voter is also qualified to vote for the school board of the affected Class I school district.

(6) For purposes of any election held pursuant to this section prior to September 30, 1998, the time for certification of the issue to be submitted to the voters specified in section 32-559 shall be reduced from at least fifty days prior to the election to at least thirty days prior to the election and the time for publication of, posting of, and providing a copy of the notice of election specified in section 32-802 shall be reduced from no later than forty days prior to the election to one time no later than twenty days prior to the election.

(7) Any call by a governing body of a political subdivision for an election pursuant to this section and any signature of a registered voter on a petition requesting an election or submission of petitions to an election commissioner or county clerk pursuant to this section shall not be invalid because the call, signature, or submission occurred before the effective date of this act if the call, signature, or submission occurred on or after December 1, 1997.

(8) Notwithstanding the provisions of Laws 1996, LB 1114, section 72; Laws 1997, LB 269, section 77; Laws 1997, LB 343, section 2; and Laws 1997, LB 806, section 65, this section becomes operative on the effective date of this act.

Sec. 2. Original section 77-3444, Revised Statutes

Supplement, 1997, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

## EXECUTIVE BOARD ANNOUNCEMENT

The Executive Board announces the appointments of Senator Bohlke to the School Finance Review Committee and Senator Raikes to the Midwestern Higher Education Compact Commission.

## PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

RULE #1

Rule 3 -- COMMITTEES

**Sec. 2. Appointment of Committees.** (a) Beginning on February 1, 1998, ~~At~~ at the commencement of each ~~session,~~ biennium, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number 1, 2, 15, 21, 22, 24 through 30, 33 through 35, and 46; four from Districts Number 3 through 14, 20, 31, 39, and 45; and four from Districts Number 16 through 19, 23, 32, 36 through 38, 40 through 44 and 47 through 49. ~~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(e), and immediately~~ 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)~~(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

~~(e)~~(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees ~~unless it is a member of the Appropriations Committee whose vacancy shall be elected by the Executive Board pursuant to Rule 3, Section 2(e)~~ 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. 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(e)~~.

(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.

Harmonize all other rules to conform with the above changes.

Rule #2

Add the following rule in the appropriate portion of the Rules of the Nebraska Unicameral Legislature:

No member, other than the primary introducer, may offer more than a total of three motions, amendments or amendments to amendments on any bill or resolution at any one stage of debate unless, in the judgement of the presiding officer, the application of this subsection in a specific case would preclude a full and fair debate.

Add the following rule in the appropriate portion of the Rules of the Nebraska Unicameral Legislature:

A motion or an amendment or an amendment to an amendment offered at any stage of debate by any person other than the primary introducer must be offered by at least three members in order to be accepted for filing. This rule shall not apply to:

i) motions to adopt Enrollment and Review amendments;
ii) motions to adjourn;
iii) motions to recess;
iv) motions to advance from any stage of debate;
v) motions to cease debate;
vi) motions to call the house; and
vii) any other motion in which, in the judgement of the presiding officer, should be excluded.

Rule 7, Section 3(e) to read:

(e) ~~Any member~~ The primary introducer or any three members may call for the division of a question, which shall be divided if, in the opinion of the chair, it facilitates a more clear and more full debate of the distinct portions and 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.

RULE #3

Rule 6, Sec. 8

**Sec. 8. Final Reading, Motions.** (a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate on

the published agenda which bills will be considered for a vote without an at large reading. This vote to dispense with final reading shall be taken on ~~each bill individually~~ the package of all those bills the Speaker has designated on his published agenda without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be taken with voting being held open for ~~three~~ one minutes. If the motion on ~~any~~ the package of bills fails to receive the support of three-fifths of the elected members of the Legislature, then ~~such~~ each bill and all amendments thereto will be read at large prior to the vote being taken.

RULE #4

Rule 3, Sec. 4(e)

(e) Reference Committee.

(i) ~~The Executive Board shall constitute the Reference Committee.~~ The Reference Committee shall consist of the following chairpersons: Executive Board: Agriculture: Appropriations: Banking, Commerce and Insurance: Business and Labor: Education: General Affairs: Government, Military and Veterans Affairs: Health and Human Services: Judiciary: Natural Resources: Revenue: Transportation: Urban Affairs: and the Speaker. The chairperson of the Executive Board shall serve as chair of 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.

RULE #5

Rule 6, Section 3(e)

(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. A motion to bracket or to bracket to a day certain shall only be allowed on bills and constitutional amendments. A motion to bracket any other item before the Legislature is out of order.

RULE #6

Rule 7, Sec. 10

**Sec. 10. Cloture.** add new paragraph

A bill that has been returned from Final Reading to Select File for specific amendment shall be considered on Final Reading for purposes of cloture.

RULE #7

Rule 2, Section 2

**Sec. 2. Rules, Suspension, Amendment.** These rules may only be suspended by a three-fifths majority of the elected members ~~by a machine vote~~, and such a motion shall not be amendable 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.

RULE #8

Rule 7, Section 4

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

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

RULE #9

Rule 6, Sec. 3(a)

**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.~~

Rule 6, Sec. 5(f)

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

RULE #10

Rule 4, Section 3(g)

(g) ~~On or before December 1 of each year,~~ By the first day of each regular

legislative session, 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.

RULE #11

Rule 3, Section 4(f)

(f) Rules Committee.

(i) Any rule change proposed during a legislative session, and intended to take effect during that session, shall be signed by five or more members, and, all ~~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. Proposed rules changes submitted to the committee fewer than twenty legislative days prior to the end of each regular session shall be subject to subsection (f)(ii) of this section.

(ii) Consistent with Rule 2, Section 1, proposed rules changes to be considered at the start of each regular session shall be submitted to the Rules Committee at least 30 days prior to the commencement of each regular session to allow a public hearing to be conducted by the Rules Committee. The committee shall report all action taken on a proposal offered pursuant to this subsection to the full Legislature prior to consideration of adopting permanent rules.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1015.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 21-1916, Reissue Revised Statutes of Nebraska, and section 49-801.01, Revised Statutes Supplement, 1997; to change provisions relating to references to the code; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1016.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health and human services; to amend section 71-2024, Revised Statutes Supplement, 1997; to state intent, define terms, and provide criteria for credentialing of certain facilities; to provide duties for the Department of Health and Human Services Regulation and Licensure; and to repeal the original section.

**LEGISLATIVE BILL 1017.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health; to amend sections 71-1628 and 71-1630 to 71-1632, Revised Statutes Supplement, 1997; to change membership of certain city-county boards of health; to reorganize sections; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 1018.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to courts; to amend sections 29-2206 and 45-623, Reissue Revised Statutes of Nebraska; to change provisions relating to the collection of certain debts; and to repeal the original sections.

**LEGISLATIVE BILL 1019.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,175, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 1996; to provide and increase penalties for a school bus stop signal arm violation; and to repeal the original sections.

**LEGISLATIVE BILL 1020.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to fire protection districts; to amend sections 81-520.02, 81-520.03, and 81-520.05, Reissue Revised Statutes of Nebraska, and section 35-508, Revised Statutes Supplement, 1996; to authorize waivers of the open burning ban; to provide powers and duties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1021.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to courts; to amend section 24-1101, Reissue Revised Statutes of Nebraska; to increase the number of judges of the Court of Appeals; to provide for selection of the Chief Judge of the Court of Appeals by the judges of the court; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1022.** Introduced by Cudaback, 36; Coordsen, 32; Dierks, 40; Janssen, 15; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-180.05, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-479, Revised Statutes Supplement, 1997; to change penalties for minors obtaining alcoholic liquor as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1023.** Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Bruning, 3; Schrock, 38.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 81-1579, Reissue Revised Statutes of Nebraska, and section 81-1578, Revised Statutes Supplement, 1996; to provide for conditional withdrawal from the compact; and to repeal the original sections.

**LEGISLATIVE BILL 1024.** Introduced by Elmer, 44; Beutler, 28; Schrock, 38.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1503, Reissue Revised Statutes of Nebraska; to change provisions relating to qualifications of the Director of Environmental Quality; and to repeal the original section.

**LEGISLATIVE BILL 1025.** Introduced by C. Peterson, 35; Crosby, 29; Schmitt, 41; Wickersham, 49; Willhoft, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3508, Revised Statutes Supplement, 1997; to change provisions relating to individual disability exemptions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1026.** Introduced by C. Peterson, 35; Cudaback, 36; Tyson, 19; Willhoft, 34.

A BILL FOR AN ACT relating to property tax; to amend section 77-1823, Reissue Revised Statutes of Nebraska; to change the fee for tax certificates and deeds; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1027.** Introduced by C. Peterson, 35; Cudaback, 36; Schmitt, 41; Willhoft, 34.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.08, Reissue Revised Statutes of Nebraska; to change provisions relating to disabled veteran license plates; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1028.** Introduced by Will, 8; Bohlke, 33; Brashear, 4; Brown, 6; Bruning, 3; Crosby, 29; Cudaback, 36; Elmer, 44; Engel, 17; Hartnett, 45; Hilgert, 7; Hillman, 48; Jensen, 20; Kiel, 9; Maurstad, 30; Dw. Pedersen, 39; C. Peterson, 35; Preister, 5; Raikes, 25; Robak, 22; Robinson, 16; Suttle, 10; Thompson, 14; Tyson, 19; Wehrbein, 2; Wesely, 26; Willhoft, 34; Witek, 31; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02, 77-2716, 77-2716.01, and 84-612, Revised Statutes Supplement, 1997; to extend an income tax rate change, an adjustment to income, and changes in personal exemptions; to eliminate a transfer of cash reserve funds; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 1029.** Introduced by C. Peterson, 35; Schmitt, 41.

A BILL FOR AN ACT relating to fines and costs; to amend section 29-2206, Reissue Revised Statutes of Nebraska; to provide for interest on installments; and to repeal the original section.

**LEGISLATIVE BILL 1030.** Introduced by C. Peterson, 35; Engel, 17; Jensen, 20; Preister, 5; Willhoft, 34.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302, Revised Statutes Supplement, 1997; to eliminate the ten-day grace period; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1031.** Introduced by C. Peterson, 35; Dierks, 40; Tyson, 19.

A BILL FOR AN ACT relating to the Postsecondary Education Award Program Act; to amend section 85-9,145, Revised Statutes Supplement, 1997; to redefine a term; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1032.** Introduced by Wickersham, 49; Bruning, 3; Coordsen, 32; Cudaback, 36; Engel, 17; Hartnett, 45; Jensen, 20; Jones, 43; Kiel, 9; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Raikes, 25; Schellpeper, 18; Schrock, 38; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.04, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 1997; to provide an adjustment to income for capital gains; to eliminate a capital gains adjustment; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1033.** Introduced by Hilgert, 7; Brown, 6; Bruning, 3; Dierks, 40; Elmer, 44; Engel, 17; Janssen, 15; Kiel, 9; Preister, 5; Robak, 22; Schrock, 38; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-462 and 60-479, Revised Statutes Supplement, 1997; to authorize the suspension of drivers' licenses and eligibility for drivers' licenses and permits for certain juveniles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1034.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 9-303 and 9-312, Uniform Commercial Code; to harmonize provisions relating to the National Conference of Commissioners on Uniform State Laws' 1994 Revision of Article 8, Investment Securities; and

to repeal the original sections.

**LEGISLATIVE BILL 1035.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2827.01 and 44-5904, Reissue Revised Statutes of Nebraska, section 44-416.01, Revised Statutes Supplement, 1996, and sections 44-319.01, 44-787, 44-4206.02, 44-4221, 44-4222, 44-4228, 44-5115, 44-5237.01, 44-6904, and 77-2734.03, Revised Statutes Supplement, 1997; to change provisions relating to credit for reinsurance; to define and redefine terms; to change risk-loss trust provisions; to change provisions relating to the Comprehensive Health Insurance Pool; to change examination requirements; to eliminate investment provisions; to change income tax credit provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 44-5150, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 1036.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide an income tax credit for the Hope Scholarship Credit and Lifetime Learning Credit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1037.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide an income tax credit for qualifying children; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1038.** Introduced by Landis, 46; Wesely, 26.

A BILL FOR AN ACT relating to juveniles; to amend sections 25-2908, 43-274, 43-275, and 43-276, Reissue Revised Statutes of Nebraska, sections 43-246, 43-286, and 43-287, Revised Statutes Supplement, 1996, and sections 43-245 and 43-2,129, Revised Statutes Supplement, 1997; to provide for juvenile offender and victim mediation as an option in certain cases; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1039.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Dispute Resolution Act; to amend sections 25-2902 and 25-2908, Reissue Revised Statutes of Nebraska, and section 25-2921, Revised Statutes Supplement, 1996; to provide duties for the Office of Dispute Resolution concerning private practice mediators; to eliminate a provision limiting the applicability of the act; to harmonize provisions; to repeal the original sections; and to outright repeal section 25-2919, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1040.** Introduced by Suttle, 10; Dierks, 40; Jensen, 20; Matzke, 47; Thompson, 14; Wesely, 26.

A BILL FOR AN ACT relating to juvenile justice; to amend sections 43-279, 83-473, 83-4,101, 83-4,102, 83-4,104, and 83-925.01, Reissue Revised Statutes of Nebraska, sections 43-258, 43-281, 43-286, 83-472, 83-925.02, and 83-925.12, Revised Statutes Supplement, 1996, and sections 29-2204, 43-2,129, 83-107.01, 83-925.06, 83-925.07, and 83-925.13, Revised Statutes Supplement, 1997; to enact the Health and Human Services, Office of Juvenile Services Act; to change and eliminate provisions relating to juvenile justice; to rename a director; to provide juvenile parole provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 83-465, 83-467 to 83-471, 83-473.01, 83-474.01, 83-487, 83-4,103, 83-925.04, 83-925.05, 83-925.10, and 83-925.11, Reissue Revised Statutes of Nebraska, and sections 43-287, 83-925.03, 83-925.08, and 83-925.09, Revised Statutes Supplement, 1996; and to declare an emergency.

**LEGISLATIVE BILL 1041.** Introduced by Matzke, 47; Brown, 6; Hillman, 48; D. Pederson, 42; Wesely, 26; Wickersham, 49.

A BILL FOR AN ACT relating to children; to amend sections 30-2608, 43-108, 43-160, 43-532, 43-1307, 43-1308, 43-1311, 43-1312, and 43-1314 to 43-1316, Reissue Revised Statutes of Nebraska, sections 43-102, 43-162 to 43-164, 43-246, 43-254, 43-285, 43-292, 43-533, 43-1303, and 43-1318, Revised Statutes Supplement, 1996, and sections 24-517, 43-107, 43-113, 43-116, 43-138, 43-146.11, 43-245, 43-247, 43-284, 43-2,129, and 43-504, Revised Statutes Supplement, 1997; to conform state law to the federal Adoption and Safe Families Act of 1997; to change juvenile court jurisdiction; to change guardianship, adoption, juvenile code, assistance, family policy, and foster care provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1042.** Introduced by Landis, 46; Brown, 6; Hillman, 48; C. Peterson, 35; Schimek, 27.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Revised Statutes Supplement, 1997; to adopt the Unfair Discrimination Against Subjects of Abuse in Insurance Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1043.** Introduced by Schellpeper, 18; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend sections 28-1101, 28-1343, and 28-1344, Reissue Revised Statutes of Nebraska; to change provisions relating to computer-related gambling activity; to define and redefine terms; to provided penalties; to harmonize

provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1044.** Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-801, 9-803, and 9-805, Reissue Revised Statutes of Nebraska; to change provisions relating to agreements; to create a fund; to redefine a term; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1045.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to animals; to amend section 54-2301, Revised Statutes Supplement, 1996, and section 37-505, Revised Statutes Supplement, 1997; to adopt the Domesticated Cervine Animal Production Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

## COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby offered the following amended report to the Committee on Committees report:

1. Senator Nancy Thompson assigned to the Transportation Committee and to the Health and Human Services Committee.

2. Senator Raikes reassigned to the Education Committee.

3. Senator Chris Peterson reassigned to the Revenue Committee.

4. Senator Jon Bruning reassigned to the Banking, Commerce and Insurance Committee.

## ANNOUNCEMENT

Mr. Schrock designates LB 369 as his priority bill.

## REPORTS

The following reports were received by the Legislature:

**Retirement Systems, Public Employees**
Nebraska School Retirement System Actuarial Valuation Report
Nebraska State Patrol Retirement System Actuarial Valuation Report
Nebraska Judges' Retirement System Actuarial Valuation Report
Analysis of the Demographic and Financial Experience of the School, Patrol, and Judges Retirement Systems

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1046.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3102, 2-3105, 2-3107, and 2-3108, Reissue Revised Statutes of Nebraska; to change provisions of soil and plant laboratories; and to repeal the original sections.

**LEGISLATIVE BILL 1047.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to aquaculture; to amend section 2-5003, Reissue Revised Statutes of Nebraska; to change the membership of the Nebraska Aquaculture Board; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1048.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1503, 2-1547, 2-1584, 2-1596, 2-4901, 23-320.01, and 85-162.03, Reissue Revised Statutes of Nebraska, and section 77-1363, Revised Statutes Supplement, 1997; to change references to the names of federal services to reflect their new names; and to repeal the original sections.

**LEGISLATIVE BILL 1049.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend section 2-4610, Reissue Revised Statutes of Nebraska; to change erosion and sediment control provisions; and to repeal the original section.

**LEGISLATIVE BILL 1050.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to schools; to amend section 79-10,126, Reissue Revised Statutes of Nebraska, and section 79-10,125, Revised Statutes Supplement, 1997; to change provisions relating to funding for construction of or improvements to school buildings or for site acquisition; and to repeal the original sections.

**LEGISLATIVE BILL 1051.** Introduced by Will, 8.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2264, Revised Statutes Supplement, 1997; to change provisions relating to expungement of a record of conviction; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1052.** Introduced by Beutler, 28; Bohlke, 33; Landis, 46; C. Peterson, 35; Preister, 5; Wesely, 26.

A BILL FOR AN ACT relating to public power; to amend sections 16-901, 17-1001, 70-1008, 70-1009, and 70-1010, Reissue Revised Statutes of Nebraska, and section 25-2601, Revised Statutes Supplement, 1997; to change and eliminate provisions relating to service areas; to provide for arbitration; to harmonize provisions; to repeal the original sections; and to outright repeal section 70-1007, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1053.** Introduced by Willhoft, 34; Bohlke, 33; Bromm, 23; Bruning, 3; Coordsen, 32; Cudaback, 36; Dierks, 40; Engel, 17; Hartnett, 45; Hilgert, 7; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Kiel, 9; Landis, 46; D. Pederson, 42; Preister, 5; Raikes, 25; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Stuhr, 24; Suttle, 10; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wesely, 26; Wickersham, 49.

A BILL FOR AN ACT relating to the Rural Development Commission; to amend sections 81-1201.07, 81-1201.10, and 81-1282 to 81-1287, Reissue Revised Statutes of Nebraska; to change provisions relating to the commission; to eliminate duties for the Department of Economic Development; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1054.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1601.01 and 77-3443, Revised Statutes Supplement, 1997; to change a property tax levy provision; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1055.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to counties; to amend sections 22-112 and 22-171, Reissue Revised Statutes of Nebraska; to change the boundary line between the counties of Butler and Platte; to provide an operative date; and to repeal the original sections.

## RESOLUTION

**LEGISLATIVE RESOLUTION 314CA.** Introduced by Witek, 31.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 10 to a new Article XIX:

XIX-1 "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."

XIX-2 "This article shall apply only to action taken after the effective date of this amendment."

XIX-3 "This article does not affect any law or governmental action that does not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin."

XIX-4 "This article does not affect any otherwise lawful classification that:

(1) Is based on sex and is necessary for sexual privacy or medical or psychological treatment;

(2) Is necessary for undercover law enforcement or for film, video, audio, or theatrical casting; or

(3) Provides for separate athletic teams for each sex."

XIX-5 "Nothing in this article shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this amendment."

XIX-6 "Nothing in this article shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program if ineligibility would result in a loss of federal funds to the state."

XIX-7 "For purposes of this article, state includes, but is not limited to, this state, any village, city, county, public college system, public university system, including the University of Nebraska, community college area, and school district in this state, and any other political subdivision or governmental instrumentality of or within this state."

XIX-8 "The remedies available for violations of this article shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then existing anti-discrimination law in this state."

XIX-9 "This article shall be self-executing. If any part or parts of this article are found to be in conflict with federal law or the United States Constitution, each section of this article shall be implemented to the maximum extent that federal law and the United States Constitution permit."

XIX-10 "Any provision of this article held invalid shall be severable from the remaining portions of this article.".

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 discrimination or preferential treatment by the state on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

For

Against".

Referred to the Reference Committee.

## UNANIMOUS CONSENT - Add Cointroducers

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 699. No objections. So ordered.

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 579. No objections. So ordered.

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 578. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 981. No objections. So ordered.

Mmes. Hillman, Kiel, Brown, Messrs. Kristensen, Coordsen, Dw. Pedersen, D. Pederson, Engel, and Matzke asked unanimous consent to have their names added as cointroducers to LB 988. No objections. So ordered.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1056.** Introduced by Bromm, 23; Coordsen, 32; Dw. Pedersen, 39; C. Peterson, 35.

A BILL FOR AN ACT relating to motor carriers; to amend sections 60-6,173 and 66-1401, Reissue Revised Statutes of Nebraska, and sections 66-1414, 75-363, and 75-364, Revised Statutes Supplement, 1997; to provide powers to the Director of Motor Vehicles with respect to certificates and licenses under the International Registration Plan and International Fuel Tax Agreement Act; to provide for hearings; to eliminate obsolete provisions; to update state adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1057.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-487, 60-490, 60-491, 60-494, 60-499, 60-4,113, and 60-4,122, Reissue Revised Statutes of Nebraska, sections 60-488, 60-493, 60-4,114, 60-4,115, 60-4,118, 60-4,119, 60-4,120, and 60-4,149.01, Revised Statutes Supplement, 1996, and sections 60-462, 60-479, 60-484, 60-4,105, 60-4,144, 60-4,146.01, 60-4,148, 60-4,171, and 60-4,181, Revised Statutes Supplement, 1997; to change and eliminate provisions relating to operator's licenses and state identification cards and fees; to provide operative dates; to repeal the original sections; to outright repeal section 60-4,116, Reissue Revised Statutes of Nebraska; and to declare an emergency.

## VISITORS

Visitor to the Chamber was Senator Matzke's grandson, Jered, from Seward.

The Doctor of the Day was Jay Matzke from Seward.

## ADJOURNMENT

At 11:21 a.m., on a motion by Mr. Abboud, the Legislature adjourned until 9:00 a.m., Monday, January 12, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FOURTH DAY – JANUARY 12, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 12, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak 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 Mrs. Witek who was excused; and Messrs. Abboud, Brashear, Chambers, Cudaback, Hartnett, Hilgert, Landis, Maurstad, Wesely, Will, Mmes. Bohlke, Brown, Kiel, and Ms. Schimek who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

### UNANIMOUS CONSENT - Member Excused

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

### MOTION - Adopt Temporary Rules

Mr. Matzke moved that the Rules, as now in our possession, be adopted for today only, Monday, January 12, 1998.

The motion prevailed.

### ANNOUNCEMENTS

Mrs. Suttle designates LB 1028 as her priority bill.

Mrs. Bohlke announced the Education Committee elected Mrs. Suttle as Vice Chairperson.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1058.** Introduced by Suttle, 10; Dierks, 40; Hartnett, 45; Jensen, 20; Matzke, 47; C. Peterson, 35; Preister, 5; Thompson, 14.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1420, 28-1421, 28-1423 to 28-1426, 28-1428, and 28-1429.02, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Supplement, 1997; to define terms; to require signs; to prohibit self-service merchandising; to change provisions relating to tobacco licenses and tobacco products and minors; to change and provide penalties; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 28-1418, 28-1419, 28-1427, and 28-1429, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1059.** Introduced by Engel, 17; Matzke, 47; D. Pederson, 42; Wickersham, 49.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-801, Reissue Revised Statutes of Nebraska; to provide for reciprocal interstate law enforcement agreements; and to repeal the original section.

**LEGISLATIVE BILL 1060.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to government; to create the Commission on Intergovernmental Relations; to state intent; to provide membership; and to provide powers and duties.

**LEGISLATIVE BILL 1061.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to allow an income tax credit to married persons; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1062.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2732 and 77-2769, Reissue Revised Statutes of Nebraska; to change income tax return filing requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1063.** Introduced by Beutler, 28; Bohlke, 33; Bromm, 23; Brown, 6; Chambers, 11; Coordsen, 32; Crosby, 29; Dierks, 40; Elmer, 44; Engel, 17; Hartnett, 45; Hilgert, 7; Hillman, 48; Janssen, 15; Kiel, 9; Landis, 46; Lynch, 13; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Preister, 5; Raikes, 25; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Suttle, 10; Thompson, 14; Vrtiska, 1; Wehrbein, 2; Wesely, 26; Wickersham, 49; Willhoft, 34; at the request of the Governor.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1019, 68-1020, 68-1021, and 68-1037, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility; to change provisions relating to duties of the Department of Health and Human Services; to provide an operative date; and to repeal the original sections.

## ANNOUNCEMENT

Mr. Beutler designates LB 1063 as his priority bill.

## COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby moved to approve the Committee on Committees Report found on page 206.

The motion to approve the report prevailed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

## MOTION - Adopt Permanent Rules

Mr. Will moved to adopt the permanent rules for the Ninety-Fifth Legislature, Second Session.

The Rules Committee renewed the proposed rules change, RULE #1, found on pages 195 and 196 to Rule 3, Sec. 2, and Rule 3, Sec. 11.

**MR. WILL PRESIDING**

**PRESIDENT ROBAK PRESIDING**

Mr. Abboud moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Abboud requested a roll call vote on proposed rules change, RULE #1.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Chambers | Hilgert | Kiel |
| Beutler | Brown | Crosby | Janssen | Kristensen |
| Bohlke | Bruning | Hartnett | Jensen | Landis |

| | | | | |
|---|---|---|---|---|
| Lynch | Raikes | Schimek | Thompson | Wesely |
| Pedersen, Dw. | Robak | Suttle | Wehrbein | Will |
| Preister | | | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Bromm | Hillman | Peterson, C. | Schrock | Vrtiska |
| Coordsen | Hudkins | Robinson | Stuhr | Wickersham |
| Dierks | Jones | Schellpeper | Tyson | Willhoft |
| Engel | Pederson, D. | Schmitt | | |

Present and not voting, 1:

Elmer

Absent and not voting, 1:

Matzke

Excused and not voting, 3:

Cudaback Maurstad Witek

The proposed rules change, RULE #1, was adopted with 26 ayes, 18 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1064.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1902, 60-1903, and 60-1905, Reissue Revised Statutes of Nebraska; to change provisions relating to abandoned vehicles; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1065.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to parole; to amend section 83-1,111, Reissue Revised Statutes of Nebraska; to change provisions relating to reviews; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1066.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to mental health; to amend sections 71-5003,

71-5004, 71-5022, 71-5027, and 71-5045, Reissue Revised Statutes of Nebraska; to prohibit mental health regions from being direct service providers; and to repeal the original sections.

**LEGISLATIVE BILL 1067.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Board of Parole; to amend section 83-190, Reissue Revised Statutes of Nebraska; to change provisions relating to terms; and to repeal the original section.

**LEGISLATIVE BILL 1068.** Introduced by Robinson, 16; Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to petitions; to amend sections 18-2515 and 46-303, Reissue Revised Statutes of Nebraska, sections 32-629, 32-1304, and 32-1546, Revised Statutes Supplement, 1996, and sections 31-787, 31-788, 32-554, 32-628, 32-630, 32-631, 32-1303, and 32-1404, Revised Statutes Supplement, 1997; to change provisions relating to circulators; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1069.** Introduced by Dw. Pedersen, 39; Abboud, 12; Brashear, 4; Brown, 6; Bruning, 3; Elmer, 44; Engel, 17; Hilgert, 7; Hillman, 48; Hudkins, 21; Jensen, 20; Jones, 43; Kiel, 9; Kristensen, 37; Lynch, 13; Matzke, 47; D. Pederson, 42; Preister, 5; Robak, 22; Schimek, 27; Schrock, 38; Suttle, 10; Thompson, 14; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Will, 8.

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 1070.** Introduced by Wesely, 26; Hillman, 48; at the request of the Governor.

A BILL FOR AN ACT relating to health and human services; to amend Laws 1997, LB 389, section 258; to state intent; to create the Nebraska Health Infrastructure Trust Fund; to provide for grants for converting nursing facilities to assisted-living facilities and for cost-containment projects; to provide for funding for children's health insurance as prescribed; to create an advisory council; to provide powers and duties; to provide for disbursement of the fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1071.** Introduced by Hilgert, 7; Brown, 6; Lynch, 13; Dw. Pedersen, 39; Suttle, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-820, Reissue Revised Statutes of Nebraska; to change provisions relating

to the disposition of seized property; and to repeal the original section.

**LEGISLATIVE BILL 1072.** Introduced by Wesely, 26; Matzke, 47.

A BILL FOR AN ACT relating to the Managed Care Patient Protection Act; to amend sections 44-6801 to 44-6803, Revised Statutes Supplement, 1997; to define terms; to provide duties relating to information; to provide for referrals to specialty care providers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1073.** Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Matzke, 47; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to health and human services; to amend sections 14-402, 15-902, 19-902, 23-114, 68-1016 to 68-1017.01, 68-1019, 71-519, 71-522, 71-1555, 71-1557 to 71-1563, 71-1565 to 71-1567, 71-1913.01, 71-1913.03, 71-2607, 71-3410, 71-4601, 71-4603 to 71-4604.01, 71-4606, 71-4608 to 71-4620, 71-5647, 79-219, 81-657, and 81-658, Reissue Revised Statutes of Nebraska, sections 43-905, 43-1320, 81-1316, and 81-3004, Revised Statutes Supplement, 1996, and sections 43-2624, 48-647, 68-1070, 71-520, 71-523, 71-604.05, 71-1564, 71-1913.02, 71-2017.01, 71-20,117, 71-2610.01, 71-3406, 71-5176, and 71-5184, Revised Statutes Supplement, 1997; to provide for self-insurance of foster parent programs and for petty cash funds; to change provisions relating to grants for child care programs, food stamps, medical assistance, metabolic diseases, birth certificates, immunization reporting provisions, home health agencies, the State Board of Health, the State Child Death Review Team, out-of-hospital emergency care providers, the Office of Rural Health, the brain injury registry, coverage under the State Personnel System of certain health and human services personnel, and the health and human services system report; to transfer regulatory duties regarding manufactured homes and modular housing units to the Public Service Commission; to create funds; to eliminate duties of the Department of Health and Human Services Regulation and Licensure; to eliminate provisions relating to rubella immunizations; to harmonize provisions; to repeal the original sections; to outright repeal section 42-121, Revised Statutes Supplement, 1996; and to declare an emergency.

**LEGISLATIVE BILL 1074.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the statewide trauma system; to amend section 39-2215, Revised Statutes Supplement, 1996, and sections 60-302 and 71-8238, Revised Statutes Supplement, 1997; to impose a fee to fund the system; to provide for distribution and use of the revenue; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1075.** Introduced by Tyson, 19; Bromm, 23; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17;

Hartnett, 45; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kristensen, 37; Maurstad, 30; C. Peterson, 35; Robinson, 16; Schrock, 38; Stuhr, 24; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Municipal Comparability Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1076.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 12-101, 14-1802, 14-1804, 14-1806, 14-1809 to 14-1811, 14-1814, 14-1822, 14-1826, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, and 23-3526, Reissue Revised Statutes of Nebraska, and section 84-1503, Revised Statutes Supplement, 1996; to require actuarial analyses and reports; to provide duties; to harmonize provisions; to repeal the original sections; and to outright repeal section 16-1026, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1077.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to insurance; to amend sections 44-710.01, 44-1708, 44-4227, 44-4235, and 77-908, Reissue Revised Statutes of Nebraska, and section 44-4221, Revised Statutes Supplement, 1997; to change provisions relating to the Comprehensive Health Insurance Pool; to require notification of the pool; to change eligibility for pool coverage; to change premium rates; and to repeal the original sections.

**LEGISLATIVE BILL 1078.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility; and to repeal the original section.

**LEGISLATIVE BILL 1079.** Introduced by Wesely, 26; Matzke, 47.

A BILL FOR AN ACT relating to adoption; to amend sections 43-102, 43-104, and 43-105, Revised Statutes Supplement, 1996; to change consent filing provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1080.** Introduced by Building Maintenance Committee: Lynch, 13, Chairperson; Janssen, 15; Suttle, 10; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-173, 81-178, and 81-187, Reissue Revised Statutes of Nebraska, and section 81-174, Revised Statutes Supplement, 1997; to

redefine a term; to change appointment and membership provisions relating to the Task Force for Building Renewal; to change classification and reporting provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1081.** Introduced by Building Maintenance Committee: Lynch, 13, Chairperson; Janssen, 15; Suttle, 10; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to state buildings; to amend sections 81-173, 81-179 to 81-182, 81-185, and 81-190, Reissue Revised Statutes of Nebraska, section 81-1108.22, Revised Statutes Supplement, 1996, and section 81-1108.17, Revised Statutes Supplement, 1997; to create funds; to provide for depreciation charges; to change provisions of the Deferred Building Renewal Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1082.** Introduced by C. Peterson, 35; Kristensen, 37.

A BILL FOR AN ACT relating to postsecondary education; to provide for a feasibility study of qualified state tuition programs and college savings plans.

**LEGISLATIVE BILL 1083.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to juveniles; to amend section 43-279, Reissue Revised Statutes of Nebraska, sections 43-286, 43-290, 43-2,101, and 83-925.12, Revised Statutes Supplement, 1996, and section 43-284, Revised Statutes Supplement, 1997; to change commitment, placement, and expense allocation provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 43-287, Revised Statutes Supplement, 1996; and to declare an emergency.

**LEGISLATIVE BILL 1084.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend section 81-15,153, Revised Statutes Supplement, 1996; to change provisions relating to allocation requirements; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1085.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts; to amend sections 30-3508 and 30-3518, Revised Statutes Supplement, 1997; to change provisions relating to the Nebraska Uniform Custodial Trust Act; to require compliance with the Nebraska Uniform Prudent Investor Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1086.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1207.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the use and expenditure of amounts deducted from wagers; and to repeal the original section.

**LEGISLATIVE BILL 1087.** Introduced by Jensen, 20; Brown, 6; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to title insurance; to amend sections 44-19,109, 44-19,114, and 44-19,115, Revised Statutes Supplement, 1997; to eliminate a security requirement; to eliminate a duty of title insurance agents; to change a notice requirement; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1088.** Introduced by Jensen, 20; Brown, 6; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to residential real property; to amend section 76-2,120, Reissue Revised Statutes of Nebraska; to provide an exception to requirement of a written disclosure statement; and to repeal the original section.

**LEGISLATIVE BILL 1089.** Introduced by Wickersham, 49; Bohlke, 33; Hartnett, 45; Jones, 43; Robinson, 16.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend sections 13-801, 13-803, 13-804, 13-806, 13-808 to 13-812, 13-814 to 13-816, 13-818, 13-820, 13-821, 13-824, 13-826, 13-2004, 13-2025.01, 47-603, 73-101, and 77-2704.15, Reissue Revised Statutes of Nebraska, sections 58-202, 58-219, and 58-239, Revised Statutes Supplement, 1996, and sections 58-503 and 60-335, Revised Statutes Supplement, 1997; to define and redefine terms; to authorize creation of joint public agencies; to provide powers and duties for joint public agencies; to harmonize provisions; and to repeal the original sections.

## STANDING COMMITTEE REPORT
## Natural Resources

**LEGISLATIVE BILL 699.** Placed on General File as amended.
Standing Committee amendment to LB 699:
AM2727

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Propane Education and Research Act.

Sec. 2. The purposes of the Propane Education and Research Act are (1) to authorize the creation of an

industry-financed entity which will enable the Nebraska propane industry to educate the public and industry employees about proper safety and procedures in the storage, handling, transportation, and use of propane in any of its traditional residential, commercial, recreational, or agricultural applications and (2) to support efforts to increase the efficiency and value of propane energy service to the industry and its customers.

Sec. 3. For purposes of the Propane Education and Research Act, the definitions found in sections 4 to 16 of this act shall be used.

Sec. 4. Bulk means quantities of more than five thousand gallons.

Sec. 5. Council means the Propane Education and Research Council established under sections 17 and 18 of this act.

Sec. 6. Education means any action which provides information, instruction, or safety guidelines about propane, propane equipment, mechanical and technical practices, and uses of propane to propane consumers or industry employees.

Sec. 7. Industry means those persons involved in the production, transportation, and sale of propane and in the manufacture and distribution of propane utilization equipment.

Sec. 8. Industry trade association means an organization which represents a segment of the industry and which is exempt from tax under section 501(c)(3) or (6) of the Internal Revenue Code.

Sec. 9. Manufacturer and distributor of liquified petroleum gas equipment means any person engaged in manufacturing, assembling, and marketing appliances, containers, and products used in the liquified petroleum gas industry and any person in the wholesale marketing of appliances, containers, and products used in the liquified petroleum gas industry.

Sec. 10. Odorized propane means propane with odorant added.

Sec. 11. 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. 12. Propane means propane, butane, mixtures, and liquified petroleum gas as defined by the National Fire Protection Association Standard 58 for the Storage and Handling of Liquified Petroleum Gases the chemical composition of which is predominantly $C_3H_8$, whether recovered from natural gas or crude oil.

Sec. 13. Qualified industry organization means any organization or industry trade association the members of which are engaged in the sale or distribution of odorized propane to the ultimate consumer or the sale of propane utilization equipment to the ultimate consumer.

Sec. 14. Research means any type of study, investigation, or other activity performed by a qualified public or private research group for the purpose of advancing and improving the existing technology related to the propane industry, including the development of increased efficiency of propane use, of enhancing the safety of propane and propane utilization equipment, or of furthering the development of such information and products.

Sec. 15. Retail marketer means any person with bulk propane storage engaged in the sale of odorized propane to the ultimate consumer or to retail propane dispensers within Nebraska.

Sec. 16. Wholesaler, supplier, or importer means the owner of the propane at the time it is first delivered into Nebraska regardless of the state where production occurs, with ownership of the propane determined by the freight on board designation.

Sec. 17. (1) One or more qualified industry organizations, which in the aggregate represent at least thirty-five percent of the total volume of odorized propane sold at retail in the State of Nebraska, may conduct a referendum among retail marketers for the creation of the Propane Education and Research Council. The organization conducting the referendum shall pay the cost of the referendum. If the council is established, the council shall reimburse the organization for the costs incurred by the independent accounting firm under subsection (2) of this section and any other costs for the referendum incurred which the council finds reasonable and necessary.

(2) The referendum shall be conducted by an independent accounting firm selected by the qualified industry organization initiating the referendum. Each retail marketer voting in the referendum shall be allowed one vote for each gallon of retail odorized propane sold by such retail marketer within the State of Nebraska in the previous calendar year or other specified representative period. All persons voting in the referendum shall certify to the independent accounting firm the volume of odorized propane represented by their votes. This information shall be treated as confidential information. Only vote totals shall be made public.

(3) Upon approval by retail marketers representing a majority of the votes cast in the referendum, the qualified industry organization initiating the referendum shall certify the vote to the Governor, the Propane Education and Research Council shall be created, and its members shall be appointed by the Governor as provided in section 18 of this act.

Sec. 18. (1) The council shall be appointed by the Governor within sixty days after the date the vote is certified to the Governor pursuant to section 17 of this act. The council shall consist of nine members, including four members representing retail marketers, one member representing wholesalers, suppliers, and importers, one member representing manufacturers and distributors

of liquified petroleum gas equipment, one member representing the academic or propane research community, one propane user or consumer, and the State Fire Marshal or his or her designee. Other than the State Fire Marshal or his or her designee and the representatives of the research community and consumers, members shall be full-time employees or owners of businesses in the industry or representatives of agriculture cooperatives. Only one person from any company or an affiliated company may serve on the council at a time. All members shall be Nebraska residents, except that members representing wholesalers, suppliers, and importers may be residents of other states.

(2) Members of the council shall serve terms of three years, except that, of the initial members, three shall be appointed for terms of one year and three shall be appointed for terms of two years. Members filling unexpired terms shall be appointed in a manner consistent with this section. Members may serve a maximum of two consecutive full terms, except that members filling unexpired terms may serve a maximum of seven consecutive years. Members filling unexpired terms shall be appointed in a manner consistent with this section. Former members may be reappointed if they have not been members for a period of two years.

Sec. 19. (1) The council shall provide rules and regulations to carry out its responsibilities under the Propane Education and Research Act.

(2) The council may enter into contracts with, use facilities and equipment of, or employ the personnel of a qualified industry organization in carrying out its responsibilities under the act.

(3) The council shall protect the handling of council funds through fidelity bonds.

(4) The administrative costs of operating the council shall not exceed twenty percent of the funds collected pursuant to section 21 of this act in any fiscal year.

(5) The council shall operate in accordance with sections 84-1408 to 84-1414.

(6) At the beginning of each fiscal year, the council shall prepare a budget plan which includes the estimated costs of all programs, projects, and contracts. The council shall provide an opportunity for public comment on the budget. The council shall prepare and make available to the public an annual report detailing the activities of the council in the previous year, those planned for the coming year, and the costs related to the activities.

(7) The council shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the council. The books of the council shall be audited by a certified public accountant at least once each fiscal year and at such other times as the council may designate. Copies of the audit shall be provided to the executive director, if one is appointed by the

council, to all members of the council, to the Clerk of the Legislature, and to any other member of the industry upon request.

(8) The council shall issue notice of meetings and shall require reports on the activities of the committees and subcommittees and on compliance, violations, and complaints regarding the implementation of the Propane Education and Research Act.

Sec. 20. The council shall develop programs and projects and enter into contracts or agreements for implementing the Propane Education and Research Act, including, but not limited to, programs to enhance consumer and employee safety and training, programs to provide research and development to improve existing propane technology, programs to increase efficiency of propane use, and any other programs to educate the public about the environmental and safety aspects of propane. At least seventy percent of the funds collected pursuant to section 21 of this act shall be used for education or for improvement of propane utilization safety equipment technology. No funds shall be used for the sole purpose of advertising propane or propane utilization equipment. Safety issues shall receive first priority in the development of all programs and projects funded by the council. The council shall provide for the payment of the costs for the programs and projects with funds collected pursuant to such section and shall coordinate its activities with qualified industry organizations to provide efficient delivery of services and to avoid unnecessary costs or duplication of activities.

Sec. 21. (1) The council may levy a propane education and research fee on odorized propane sold in Nebraska to fund the Propane Education and Research Act. The fee shall not exceed two-tenths of one cent per gallon. The fee shall be calculated by multiplying the fee rate by the number of net gallons of odorized propane on a bill of lading, an invoice, or a shipping document of the wholesaler, supplier, or importer who first sells or offers for sale odorized propane or uses odorized propane in this state, who shall pay the fee. If the quantity specified in the bill of lading, an invoice, or a shipping document is listed in units other than gallons, the wholesaler, supplier, or importer shall convert those units to gallons, using conversion tables approved by the council, prior to remitting the fee to the council.

Fee payments shall be remitted to the council on a regular basis as established by the council. Nonodorized propane shall not be subject to the fee until odorized. The council may establish a late payment charge and provide for interest, at a rate equal to the maximum rate of interest allowed per annum under section 45-104.01 as such rate may from time to time be adjusted by the Legislature, to be imposed on any person who fails to remit any amount due under the act.

(2) Any funds which are due to the State of Nebraska and collected from a national assessment levied on propane shall be

designated and accrue to the benefit of the council and shall be spent in accordance with the National Propane Education and Research Act.

(3) Funds collected by the council shall not be used in any manner for influencing legislation or for political campaign contributions.

Sec. 22. The Propane Education and Research Act does not preempt or supersede any other program relating to propane safety or education which has been organized and is operating under state law.

Sec. 23. All retail marketers of retail propane in Nebraska shall carry minimum liability insurance coverage of at least two million dollars, with proof of insurance provided to the State Fire Marshal. All persons employed in the installation or service of any propane system shall fully comply with training requirements provided in applicable sections governing the sale of propane as set forth by the National Fire Protection Association. Applicable requirements for guidelines as set forth by the National Fire Protection Association shall be enforced by the office of the State Fire Marshal.

Violation of this section shall subject the violator to a civil penalty of not less than one hundred dollars per day and not more than one thousand dollars per day. In case of a continuing violation, each day constitutes a separate offense. The amount of the penalty shall be based on the degree and extent of the violation. The Attorney General or each county attorney to whom the State Fire Marshal reports a violation shall institute appropriate proceedings without delay to assure compliance with this section.

Sec. 24. (1) The council may on its own initiative and shall upon the petition of retail marketers representing at least thirty-five percent, as determined by the council, of the total volume of odorized propane sold at retail in the State of Nebraska hold a referendum to be conducted by an independent accounting firm selected by the council to determine whether the council should be suspended or terminated. The council shall pay the costs of the referendum under this section.

(2) The council shall be suspended or terminated if suspension or termination is approved by retail marketers representing more than fifty percent, as determined by the council, of the total volume of odorized propane sold at retail in the State of Nebraska.

Sec. 25. It is the intent of the Legislature that the price of propane shall always be determined by market forces. The council shall take no action to interfere in any manner with the free market process.

Sec. 26. Any person who unreasonably fails or refuses to pay any fee due under the Propane Education and Research Act may be subject to legal action by the council to recover the fees due,

plus interest and costs.

Sec. 27. The district court or county court of the county in which the violation occurs or in which the person required to pay the fee under section 21 of this act resides shall have jurisdiction to enjoin violations of the Propane Education and Research Act or the rules and regulations provided for under the act, as well as jurisdiction for civil actions to recover fees due, plus interest and costs. If neither of the jurisdictional considerations in this section applies, the district court of Lancaster County shall have jurisdiction.".

(Signed) Chris Beutler, Chairperson

## ANNOUNCEMENT

Mrs. Brown designates LB 939 as her priority bill.

## NOTICE OF COMMITTEE HEARING
**Education**

Tuesday, January 27, 1998 1:30 p.m.
Robert Mundy - Reappointment to Educational Lands and Funds

(Signed) Ardyce L. Bohlke, Chairperson

## MOTION - Adopt Permanent Rules

The Rules Committee renewed the proposed rules change, RULE #2, found on pages 196 and 197, to create a new rule and amend Rule 7, Sec. 3(e).

Mr. Chambers requested a division of the question on the proposed rules change, RULE #2.

The Chair sustained the division of the question.

The first proposed rules change to RULE #2 is:
Add the following rule in the appropriate portion of the Rules of the Nebraska Unicameral Legislature:

No member, other than the primary introducer, may offer more than a total of three motions, amendments or amendments to amendments on any bill or resolution at any one stage of debate unless, in the judgement of the presiding officer, the application of this subsection in a specific case would preclude a full and fair debate.

Mr. Chambers offered the following amendment to the first proposed rules change to RULE #2:

1. In the first line, strike ", other than the primary introducer," and
2. On the second line, put a "period" after "debate", and strike the

remaining language.

Pending.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1090.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health care; to prohibit the use of powdered latex products; and to provide for rules and regulations.

**LEGISLATIVE BILL 1091.** Introduced by Wesely, 26; Suttle, 10.

A BILL FOR AN ACT relating to certified nurse midwives; to amend sections 71-1740, 71-1753, and 71-1754, Reissue Revised Statutes of Nebraska, and section 71-1755, Revised Statutes Supplement, 1997; to change provisions relating to supervised practice and home deliveries; to eliminate a definition; to repeal the original sections; and to outright repeal section 71-1751, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1092.** Introduced by Vrtiska, 1; C. Peterson, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1802, 77-1803, 77-1806, and 77-1807, Reissue Revised Statutes of Nebraska; to change provisions relating to sale of real property for delinquent taxes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1093.** Introduced by Schimek, 27; Janssen, 15; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to volunteerism; to state intent; to create the Nebraska Volunteer Service Commission; to provide powers and duties; to create a fund; and to declare an emergency.

**LEGISLATIVE BILL 1094.** Introduced by Brown, 6; Crosby, 29; Hilgert, 7; Jensen, 20; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to insurance; to amend section 44-392, Reissue Revised Statutes of Nebraska, and section 44-1525, Revised Statutes Supplement, 1997; to authorize the sale of insurance by banks, trust companies, and similar companies; to harmonize provisions; and to repeal the original sections.

## ANNOUNCEMENT

Mr. Willhoft designates LB 1053 as his priority bill.

## UNANIMOUS CONSENT - Add Cointroducers

Mmes. Brown, Crosby, Stuhr, Messrs. Lynch, Dierks, Engel, Schrock, Preister, and Jones asked unanimous consent to have their names added as cointroducers to LB 915. No objections. So ordered.

Messrs. Maurstad, Jensen, and Schrock asked unanimous consent to have their names added as cointroducers to LB 939. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 988. No objections. So ordered.

Mrs. C. Peterson asked unanimous consent to have her name added as cointroducer to LB 1040. No objections. So ordered.

## VISITORS

Visitor to the Chamber was Theresa Kleinsmith.

## RECESS

At 12:04 p.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Mrs. Witek who was excused; and Messrs. Dierks, Hartnett, Robinson, Wickersham, and Mrs. Kiel who were excused until they arrive.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills, resolution, appointments, and rereferral of LB 949 and LB 975:

| LB | Committee |
|---|---|
| 949 | Health and Human Services |
| 975 | Urban Affairs |
| 996 | Transportation |
| 997 | Judiciary |
| 998 | Transportation |
| 999 | General Affairs |
| 1000 | Transportation |
| 1001 | General Affairs |

| | |
|---|---|
| 1002 | General Affairs |
| 1003 | Judiciary |
| 1004 | Natural Resources |
| 1005 | Appropriations |
| 1006 | Education |
| 1007 | Government, Military and Veterans Affairs |
| 1008 | Education |
| 1009 | Natural Resources |
| 1010 | Business and Labor |
| 1011 | Judiciary |
| 1012 | Judiciary |
| 1013 | General Affairs |
| 1014 | Revenue |
| 1015 | Revenue |
| 1016 | Health and Human Services |
| 1017 | Health and Human Services |
| 1018 | Judiciary |
| 1019 | Transportation |
| 1020 | Government, Military and Veterans Affairs |
| 1021 | Judiciary |
| 1022 | General Affairs |
| 1023 | Natural Resources |
| 1024 | Natural Resources |
| 1025 | Revenue |
| 1026 | Revenue |
| 1027 | Transportation |
| 1028 | Revenue |
| 1029 | Judiciary |
| 1030 | Transportation |
| 1031 | Education |
| 1032 | Revenue |
| 1033 | Transportation |
| 1034 | Banking, Commerce and Insurance |
| 1035 | Banking, Commerce and Insurance |
| 1036 | Revenue |
| 1037 | Revenue |
| 1038 | Judiciary |
| 1039 | Judiciary |
| 1040 | Health and Human Services |
| 1041 | Health and Human Services |
| 1042 | Banking, Commerce and Insurance |
| 1043 | General Affairs |
| 1044 | General Affairs |
| 1045 | Agriculture |
| 1046 | Agriculture |
| 1047 | Agriculture |
| 1048 | Agriculture |
| 1049 | Agriculture |
| 1050 | Education |

1051 Judiciary
1052 Natural Resources
1053 Government, Military and Veterans Affairs
1054 Revenue
1055 Government, Military and Veterans Affairs
1056 Transportation
1057 Transportation

| LR | Committee |
|---|---|
| 314CA | Judiciary |

Dunning, Gina C., Director - Health and Human Services, Regulation and Licensure – Health and Human Services

Hall, Timothy J., Director - Department of Insurance -- Banking, Commerce and Insurance

Kilgarin, Karen, Director - Department of Administrative Services – Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## ANNOUNCEMENT

Mr. Cudaback designates LB 695 as his priority bill.

## MOTION - Adopt Permanent Rules

The Chambers pending amendment, found on page 227, to the first proposed rules change to RULE #2, was renewed.

## PRESIDENT ROBAK PRESIDING

Mrs. Suttle 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 24 ayes, 0 nays, and 25 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, 17:

| | | | | |
|---|---|---|---|---|
| Bohlke | Coordsen | Hudkins | Maurstad | Robak |
| Chambers | Cudaback | Kristensen | Raikes | Schellpeper |

| | | | | |
|---|---|---|---|---|
| Schimek | Suttle | Wesely | Wickersham | Willhoft |
| Stuhr | Wehrbein | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Jensen | Matzke | Preister |
| Beutler | Engel | Jones | Pedersen, Dw. | Schrock |
| Brashear | Hilgert | Landis | Pederson, D. | Thompson |
| Bromm | Hillman | Lynch | Peterson, C. | Will |
| Brown | Janssen | | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Crosby | Kiel | Schmitt | Tyson | Vrtiska |
| Elmer | Robinson | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Dierks | Hartnett | Witek |

The Chambers amendment lost with 17 ayes, 22 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Kristensen, Vrtiska, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Transportation

| | | |
|---|---|---|
| LB 1056 | Tuesday, January 20, 1998 | 1:30 p.m. |
| LB 1057 | Tuesday, January 20, 1998 | 1:30 p.m. |

Tuesday, January 20, 1998 1:30 p.m.
Nebraska Railway Council
Robert J. Kelly
Michael D. Shannon
Public Roads Classifications and Standards Board
William Lindholm
Arthur B. Yonkey
Gene Acklie

(Signed) Curt Bromm, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1095.** Introduced by Will, 8; Chambers, 11; Hillman, 48; Raikes, 25; Stuhr, 24.

A BILL FOR AN ACT relating to housing; to amend sections 20-139 and 81-5,147 to 81-5,149, Reissue Revised Statutes of Nebraska; to provide duties for the State Fire Marshal concerning accessibility standards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1096.** Introduced by Abboud, 12; Bromm, 23; Jensen, 20; Witek, 31.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 83-1003, 83-1009, 83-1012, 83-1013, 83-1025, 83-1026, 83-1049, and 83-1053, Reissue Revised Statutes of Nebraska, sections 83-1046 and 83-1078, Revised Statutes Supplement, 1996, and sections 83-1036 and 83-1037, Revised Statutes Supplement, 1997; to provide commitment procedures for sexually violent offenders; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1097.** Introduced by Robak, 22; Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change provisions relating to retail license suspension; and to repeal the original section.

**LEGISLATIVE BILL 1098.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-176, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale and delivery of alcoholic liquor; to define a term; and to repeal the original section.

## RESOLUTION

**LEGISLATIVE RESOLUTION 315CA.** Introduced by Hilgert, 7; Janssen, 15; Kiel, 9; Suttle, 10; Thompson, 14; at the request of the Governor.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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:

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 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) 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."

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."

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."

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."

IX-5 "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 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, to authorize legislation relating to mergers and consolidations by local governments, and to repeal and eliminate provisions dealing with township organization and towns.

For

Against".

Referred to the Reference Committee.

## ANNOUNCEMENT

Mr. Robinson designates LB 822 as his priority bill.

## MOTION - Adopt Permanent Rules

Mr. Chambers offered the following amendment to the first proposed rules change to RULE #2:

1. In line 1, strike "three" and insert "twenty".

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, 1:

Chambers

Voting in the negative, 32:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jensen | Pedersen, Dw. | Schrock |
| Beutler | Dierks | Jones | Pederson, D. | Stuhr |
| Brashear | Elmer | Kristensen | Peterson, C. | Thompson |
| Bromm | Engel | Landis | Preister | Tyson |
| Brown | Hilgert | Matzke | Raikes | Wesely |
| Bruning | Hillman | Maurstad | Schellpeper | Will |
| Crosby | Hudkins | | | |

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Bohlke | Lynch | Schimek | Vrtiska | Wickersham |
| Coordsen | Robak | Schmitt | Wehrbein | Willhoft |
| Kiel | Robinson | Suttle | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Hartnett | Janssen | Witek |

The Chambers amendment lost with 1 aye, 32 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1099.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142 and 77-27,146, Reissue Revised Statutes of Nebraska; to authorize a local option sales tax for cities of the metropolitan class; to provide for distribution of proceeds; and to repeal the original sections.

**LEGISLATIVE BILL 1100.** Introduced by Lynch, 13; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Janssen, 15; Kiel, 9; Maurstad, 30; D. Pederson, 42; Raikes, 25; Suttle, 10; Vrtiska, 1; Wehrbein, 2; Wesely, 26.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 85-1,113, 85-1,114, 85-326, and 85-327, Reissue Revised Statutes of Nebraska; to provide for deferred maintenance repair, renovation, and construction projects; to change provisions relating to capital construction; to provide for appropriation of funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1101.** Introduced by Wesely, 26; Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Hall of Fame; to amend sections 72-724, 72-725, 72-727 to 72-729.01, and 81-1108.10, Reissue Revised Statutes of Nebraska; to change provisions relating to administration, location, eligibility, and funding; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1102.** Introduced by Brashear, 4; Bohlke, 33; Brown, 6; Crosby, 29; Hilgert, 7; Hillman, 48; Hudkins, 21; Jones, 43; Kiel, 9; Dw. Pedersen, 39; C. Peterson, 35; Robak, 22; Stuhr, 24; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.02, 28-311.03, 28-311.05, 42-905, 42-925, 42-926, and 42-928, Reissue Revised Statutes of Nebraska, section 42-903, Revised Statutes Supplement, 1996, and sections 28-101, 29-2262, 42-901, 42-924, 42-924.01, and 42-924.02, Revised Statutes Supplement, 1997; to define a term; to change provisions relating to stalking; to provide for harassment restraining orders; to change provisions relating to arrests without warrants; to change provisions relating to conditions of probation; to change provisions relating to the Protection from Domestic Abuse Act; to change provisions relating to protection orders; to authorize that full faith and credit be accorded valid foreign protection orders; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1103.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 1997; to redefine a term; and to repeal the original section.

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 12, 1998, 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

Adams Jr., Donald D. - Lincoln; Nebraskans First, Inc.
Adams, John H. - Omaha; International Gamco, Inc.; Oasis Technologies, 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
Arfmann, William W. - Lincoln; Nebraska Association of Public Employees, AFSCME Local 61
Ashley, Thomas R. - Lincoln; Lincoln Benefit Life Company
Baack, Dennis G. - Lincoln; Nebraska Community College Association
Bare, Larry - Lincoln; City of Lincoln
Barnett, Linda - Lincoln; YMCA'S of Nebraska
Beattie, George - Lincoln; Nebraska Bankers Association
Becker, David J. - Omaha; Nebraska Geological Society
Beermann, Allen J. - Lincoln; Nebraska Press Association
Benson, Lorries B. - Lincoln; Association of Nebraska Community Action Agencies
Bleich, Walt - Lincoln; Nebraska Citizen Action Network; Nebraska Citizen Action Network

Bligh, Robert - Lincoln; Nebraska Association of School Boards
Boldt, G. Randy - Omaha; Blue Cross & Blue Shield of Nebraska; HMO Nebraska, Inc.
Bonaiuto, John A. - Lincoln; Nebraska Association of School Boards
Bovee, Phyllis - Lincoln; American Association of Retired Persons
Brandt, Henry F. - Lincoln; Bailey-Lauerman & Associates Inc.
Brown, Vincent D. - Lincoln; American Petroleum Institute
Butler, Richard J. - Lincoln; Nebraska Mortgage Association
Butler, Terri Mecham - Lincoln; United Cerebral Palsy of Nebraska
Byrd, Eric - Lincoln; Nebraska Health Care Association
Cannon, Jonathan D. - Lincoln; Lincoln Benefit Life Company
Carlson, Karen A. - Lincoln; U S WEST Communications
Carpenter, Rex - Lincoln; Nebraska Rural Electric Association
Cavanaugh, James P. - Lincoln; Independent Insurance Agents of Nebraska; Nebraska District Judges Association; Nebraska Fraternal Order of Police
Cederberg, John E. - Lincoln; Limited Liability Company Association
Cheloha, John A. "Jack" - Omaha City of Omaha
Childers, Paula - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
Christiansen, Craig R. - Lincoln Nebraska State Education Association
Clark, Douglas R. - Omaha; UtiliCorp United
Clayburn, Neal - Lincoln; Lincoln Education Association
Cline, Williams, Wright, Johnson & Oldfather
  Buntain, David R. - Lincoln; Nebraska Medical Association
  Campbell, Mary M. - Lincoln; City of Lincoln; Educational Service Units Administrators Association; Lincoln Public Schools; Nebraska Beer Wholesalers Association; Nebraska Cable Communications Association; Nebraska Health Care Association; Nebraska Medical Association; Nebraska Wholesale Liquor Distributors Association; Regions I, II, & V; State Troopers Association of Nebraska, Inc.; University of Nebraska
  Pallesen Jr., Charles M. - Lincoln Madonna Rehabilitation Hospital; Nebraska Medical Association; University of Nebraska
  Peterson, Alan E. - Lincoln; Central Interstate Low-Level Radioactive Waste Commission; Media of Nebraska, Inc.
  Renner, Shawn D. - Lincoln; Media of Nebraska, Inc.
Counts, Barry A. - St. Paul, MN Sprint/United Tel-Midwest
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
Cuca Jr., Ralph "Bud" - Lincoln Nebraska Motor Carriers Association
Cunningham, James R. - Lincoln; Nebraska Catholic Conference
Cutshall & Associates
  Cutshall, Bruce A. - Lincoln; Arapahoe Feed Mill, Inc. 7-11 Pork Food, Inc.; Board of Trustees of Nebraska State College Systems;

Carter-Wallace, Inc.; Community Lottery System, Inc.; 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 Dietetic Association, Inc.; Nebraska Financial Services Association; Nebraska Public Power District; Nebraska Railroad Association; Nebraska Rural Community School Association; Nebraska Thoroughbred Breeders' Association; Nebraska Water Coalition; Pfizer Inc.; Ruth & Mueller Law Firm; Southern Nebraska Rural Public Power District; U.S. BANCORP; Nebraska County Attorneys Association

Nowka, Trent P. - Lincoln; Cutshall & Associates

Cutshall, Bruce A. - Lincoln; Bryan Memorial Hospital

DeCamp Legal Services, P.C.

DeCamp, John - Lincoln; Nebraska Chiropractic Physicians Association; Veterans of Foreign Wars

Dibbern, Chris M. - Lincoln; Municipal Energy Agency of Nebraska (MEAN); Nebraska Municipal Power Pool (NMPP Energy); Nebraska Public Gas Agency (NPGA)

Dobler, James B. - Lincoln; Farmers Mutual Insurance Co. of Nebraska

Dobras, Victor E. - St. Paul, MN Sprint/United Tel-Midwest

Earl-Bleich, Christine J. - Lincoln Nebraska Sierra Club

Edson, Dean E. - Lincoln; Nebraska Association of Resources Districts

Ellerbee, Don - Hastings; Nebraska Funeral Directors Association; Nebraska Veterinary Medical Association

Elliott, Joseph W. - Boys Town; Professional Insurance Agents of Nebraska

Engel, Michelle L. - Lincoln; AT&T Corp.

Eret, Don - Dorchester; Supporters of Nebraska Tractor Testing Laboratory

Erickson, Julie S. - Lincoln; American Communications Group, Inc.; Peru State College Foundation

Evans, Eric A. - Lincoln; Nebraska Advocacy Services, Inc.

Falk, Cecilia - Lincoln; Plumbing-Heating-Cooling Contractors of Nebraska

Ferdinand, L. Rene' - Lincoln; The ARC of Nebraska

Ferrell, Beth Bazyn - Lincoln; Nebraska Association of County Officials

Fischer, David B. - Omaha; Union Pacific Railroad

Flannery, John S. - Des Moines, IA; GTE

Fleming, Richard L. - Lincoln; American Association of Retired Persons

Fraizer, T. J. - Lincoln; American Insurance Association; Mutual of Omaha Insurance Company

Frazier, Lawrence A. - Lincoln; Farmers Mutual Insurance Co. of Nebraska

Funk, Christine - Lincoln; Planned Parenthood of Lincoln

Gady, Richard L. - Omaha; ConAgra, Inc.

Garrison, Elaine - Lincoln; American Association of Retired Persons

Giles, Lorraine M. - Omaha; American Association of Retired Persons

Gingery, Robert O. - Lincoln; American Association of Retired Persons

Goc, John J. - Lincoln; Friends of Rural Education; Nebraska Lottery Operators, Inc.; Niobrara Valley Conference; Class I's United; Safety Warning Systems, L. C.

Golden, Jeffrey S. - Lincoln; Boys and Girls Home of Nebraska
Gordon, James E. - Lincoln; DeHart & Darr Association
Graham, Ronald - Blue Springs, MO; Novartis Pharmaceuticals Corporation
Graves Jr., Eugene J. - Omaha; Metro Omaha Builders Association
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; Family Planning Council of Nebraska; Planned Parenthood of Omaha/Council Bluffs
Hallstrom, Robert/Brandt Horan Hallstrom Sedlacek
Hallstrom, Robert J. - Lincoln National Federation of Independent Business; Nebraska Bankers Association; Nebraska Pharmacists Association; NETWORKS, INC.
Hansen, John K. - Lincoln; Nebraska Farmers Union
Hansen, JoAnn - Lincoln; Norris Public Power District; US Ecology
Harding, William A. - Lincoln; League of Nebraska Municipalities
Harris, Nance - Lincoln; Nebraska Motor Carriers Association
Hartley, Richard - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
Hartley, Shirley - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
Harvey, William F. - Omaha; Big Red Keno Ltd.
Hedman, Gary - Grand Island; Southern Nebraska Rural Public Power District
Herrin, Sally J. - Lincoln; Nebraska Farmers Union
Hiatt, Loren D. - Lincoln; AT&T Corp.
Hogrefe, Raymond H. - Lincoln; National Association Retired Federal Employees, Nebraska Federation
Hoke, Fred A. - Lincoln; Christian Science Committee on Publication for Nebraska
Holmquist, David - Lincoln; American Cancer Society
Holmquist, Jay - Lincoln; Nebraska Rural Electric Association
Hood, Jane Renner - Lincoln; Nebraska Humanities Council
Horne, Virgil L. - Lincoln; Lincoln Public Schools
Huff Jr., Walt - Lincoln; Associated General Contractors, Nebraska Chapter
Hullet, Kelvin L. - Lincoln; Lincoln Partnership for Economic Development
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 & Services for the Aging; Nebraska Association of Nurse Anesthetists; Nebraska Association of Private Resources; Nebraska Dental Hygienists' Association; Nebraska Optometric Association; Nebraska Podiatric Medical Association; Philip Morris Management Corp. on behalf of Philip Morris Incorporate
Jensen, Abigail M. - Blair; Great Plains Communications, Inc.

Jensen, S. Michael - Blair; Great Plains Communications, Inc.
Jewell, Jan - Lincoln; DeCamp Legal Services, P.C.
Johnson, DeMaris - Lincoln; Nebraska County Attorneys Association
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 Association of Schools; Nebraska School Finance Coalition
Kearney, James L. - Lincoln; Nebraska Geological Society
Keetle, Roger S. - Lincoln; Nebraska Association of Hospitals & Health Systems
Kennedy, Barry L. - Lincoln; Nebraska Chamber of Commerce & Industry
Kennedy, Christopher R., Ph.D. - Omaha Nebraska Credit Union League, Inc.
Kevil, G. Bruce - Lincoln; Nebraska State Home Builders Association
King, Gabrielle - Wilmington, DE DuPont
Kissel/E&S Associates, L.L.C.
Kissel, Gordon - Lincoln; Alegent Health; Amoco; Erickson & Sederstrom, P.C.; Greater Omaha Packing Company; Lancaster County Board of Commissioners; Lincoln Electric System; Mr. John Hantla; Nebraska Cooperative Council; Nebraska Glass Association; Nebraska Independent Telephone Association; Nebraska Investment Finance Authority; Nebraska Land Improvement Contractors Association; Refractory Users Coalition; West Telemarketing
Knapp, Patricia, A. - Lincoln; Boyd County Monitoring Committee
Krannawitter, Brian - Lincoln; American Heart Association
Kratz, Dean G. - Omaha; Nebraska Building Chapter Associated General Contractors; Nebraska League of Savings Institutions
Krivosha, Norman M. - Lincoln; Ameritas Life Insurance Corporation
Krueger, Gayle E. - Lincoln; AIA, Nebraska
Krumland, Gary G. - Lincoln; League of Nebraska Municipalities
Kruse, Larry D. - Blue Springs, MO; Glaxo Wellcome Inc.
Kulesher, Kate M. - Lincoln; American Home Products Corp.
Landis, Kristin - Lincoln; Nebraska Association of Hospitals & Health Systems
Lanz, Tom - Lincoln; Safari Club International - Nebraska Chapter
Larsen, Carlin L. - Chadron; U S WEST Communications
LeFevre, Andrew T. - Falls Church, VA; Law Enforcement Alliance of America
LeMieux, Matthew - Lincoln; American Civil Liberties Union (ACLU Nebraska)
Licht, Alice L. - Lincoln; Anderson Management Services, Inc.; Automotive Recycling Industry of Nebraska; Nebraska Coalition For Interior Design; Nebraska Fertilizer & Ag-Chemical Institute, Inc.; Nebraska Hotel & Motel Association, Inc.; Nebraska State Pest Control Association
Lindsay, John - Lincoln; Nebraska Collectors Association, Inc.; O'Hara & Associates, Inc.
Lineweber, Ray L. - Lincoln; United Transportation Union

Lombardi-Erickson/American Communications Group
Lombardi, Richard A. - Lincoln Association of Nebraska Community Action Agencies; Nebraska Association of Behavioral Health Organizations; Nebraska Association of Public Employees, AFSCME Local 61; Nebraska Board of Engineers & Architects; Nebraska Chapter of American Physical Therapy Association; Nebraska Counseling Association; Nebraska EMS Coalition; Nebraska Professional Fire Fighters Association; Nebraska Psychological Association; Papio-Missouri Natural Resources District; Peru State College Foundation
Lombardi, Richard A. - Lincoln; American Communications Group, Inc.; Tri-Mutual Aid Fire Fighter Association
Lunde, Brian A. - McLean, VA; Andersen Consulting; Smith Kline Beecham
Lutz, Mark - Lincoln; Employers Unemployment Insurance Company; Nebraska Restaurant Association
Lutz, Richard - Lincoln; Employers Unemployment Insurance Company; Nebraska Restaurant Association
Larsen, Carlin L. - Chadron; U S WEST Communications
Lunde, Brian A. - McLean, VA; Andersen Consulting
Marcus, Joan K. - Omaha; The ARC of Nebraska
Marfisi, Thomas C. - Omaha; Mayor City of Omaha
McBride, David S. - Lincoln; Nebraska Optometric Association; Nebraska State Association of Life Underwriters
McClurg, Lori - Lincoln; City of Lincoln
McDonald, Gordon L. - Omaha; Nebraska State AFL-CIO
McGuire, Mark D. - Lincoln; Nebraska State Education Association; Crow Butte Resources, Inc.
Meek, Randy D. - Lincoln; Brotherhood of Locomotive Engineers Nebraska State Legislative Board
Metropolitan Omaha Convention S & E Authority
Ashford, Brad - Omaha; Metropolitan Omaha Convention Sports & Entertainment Authority
Mihovk, Donald J. - Lincoln; Nebraska Chamber of Commerce & Industry
Miller, Cy - Lincoln; Working Poor
Miller, George P. - Plattsmouth Nebraska Press Association
Mills, Jack D. - Lincoln; Nebraska Association of County Officials
Minor, Timothy H. - Long Grove, IL CF Industries, Inc.
Monaghan, Judy J. - Omaha; Scientific Games Inc.
Moody, Randall - Lincoln; American National Bank; Nebraska Association of the Deaf; 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; Village of Butte; 3M/Traffic Control Materials Division
Morrissey, Kristin J. - Omaha; Voices for Children in Nebraska

Morrow, Arlillian Hall - Omaha; American Association of Retired Persons
Mossman, Stephen D. - Lincoln; Butler County Landfill, Inc.
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 Travel Related Services Company, Inc.; ASARCO Incorporated; AT&T Corp.; Big Red Keno Ltd.; Chief Ethanol Fuels, Inc.; First Data Corporation; Heartland Community Bankers Association; Jobs for Nebraska; Kellogg Company; League of Nebraska Municipalities; Lincoln Airport Authority; Lincoln Electric System; Lincoln Partnership for Economic Development; Nebraska Academy of Ophthalmology; Nebraska Collectors Association, Inc.; Nebraska Dental Association; Nebraska Interactive; Nebraska Machinery Company; Nebraska Methodist Health System, Inc.; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Pork Industry Group; Nebraska Press Association; Nebraska Society of Independent Accountants; Nebraska State Bar Association; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands, Inc.; Rural/Metro Medical Services; Western Sugar Company
Mumgaard, D. Milo - Lincoln; Nebraska Appleseed Center for Law in the Public Interest
Neidig, Bryce P. - Lincoln; Nebraska Farm Bureau Federation
Nelson, Arlene - Grand Island; American Association of Retired Persons
Nelson, Craig L. - Lincoln; Nebraska Association of County Officials
Nelson, Paul - Butte; Boyd County Monitoring Committee
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
O'Hara & Associates, Inc.
O'Hara, Paul V. - Lincoln; Bishop Clarkson Memorial Hospital; Blue Cross & Blue Shield of Nebraska; Cox Nebraska Telcom II; CFO Services; Finocchiaro Wine Co., Inc.; First National Bank of Omaha; GTECH Corporation; Hall County Livestock Improvement Association; KN Energy, Inc.; Lucent Technologies; Nebraska Association of Trial Attorneys; Nebraska Citizens for the Arts; Nebraska County Judges Association; Nebraska Humanities Council; Nebraska Soft Drink Association; Northern Natural Gas Co.; Nucor Corporation; Omaha Public Power District; Peru State College Foundation; Pioneer Hi-Bred International, Inc.; Strategic Staff Management, Inc.; University of Nebraska; Utilcorp United; West Publishing
O'Hara, Paul V. - Lincoln; O'Hara & Associates, Inc.
Obst, Robert E. - Grand Island; U S WEST Communications
Oertwich, P. Ann - Lincoln; Nebraska Nurses Association
Orton, Lee - Lincoln; Nebraska State Irrigation Association; Nebraska Well Drillers Association
Pack, Mary M. - Lincoln; Walter H. Radcliffe of Radcliffe & Associates
Palmer, Betsy - Lincoln; American Association of Retired Persons

Parker, David R. - Lincoln; Great West Casualty Company; Joe Morten and Son, Inc.
Parks, James - Lincoln; DeCamp Legal Services, P.C.
Patterson Jr., Walter L. - Lincoln Nebraska Cooperative Council
Paulger, Mary Ann - Fremont; American Association of Retired Persons
Peetz, Natalie - Omaha; Greater Omaha Chamber of Commerce
Peppie, Lana K. - Lincoln; Nebraska Optometric Association
Peters, William E. - Lincoln; Burlington Northern Santa Fe; Golden Rule Insurance Company; The Tobacco Institute
Petersen, Randall V. - Lincoln; Lancaster County School District No. 153
Pierson, Darwin R. - McCook; Nebraska Independent Oil & Gas Association
Piper, George - Walthill; Center for Rural Affairs
Podraza, Bill L. - Columbus; Nebraska Public Power District
Popken, Kent T. - Lincoln; U S WEST Communications
Potter, Cara E. - Lincoln; Nebraska Retail Federation; Nebraska Retail Grocers Association
Preston, James N. - Lincoln; Nebraska Motor Carriers Association
Prettyman, Keith A. - Lincoln; Woodmen Accident and Life Company
Pribyl, James C. - Denver, CO; MCI Telecommunications Corporation
Ptacek, Patrick J. - Lincoln; Nebraska Grain and Feed Association
Pursley, Jeff - Lincoln; Aliant Telecommunications Inc.
Radcliffe and Associates
Radcliffe, Walter H. - Lincoln Aliant Telecommunications Inc.; Arkansas Power and Light Company; FHC Options, Inc.; Gulf States Utilities; GTECH Corporation; Lincoln Public Schools; Louisiana Power and Light Company; Media of Nebraska, Inc.; Midwest Vending Inc.; Motion Picture Association of America, Inc.; Nebraska Automatic Merchandising Council; 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 Rural Electric Association; Nebraska School Food Service Association; Nebraska Securities Industry Association; Nebraska Society of Certified Public Accountants; Nebraska State Cemetery Association; Nebraska Wholesale Liquor Distributors Association; Property Owners Association; State Troopers Association of Nebraska, Inc.; The Wine Institute; University of Nebraska; UST Public Affairs Inc.; Wolf Creek Nuclear Operating Corporation
Rasmussen, Dennis - Lincoln; Catrala Association; Friends of Rural Education; Great Plains Communications, Inc.; Iowa/Nebraska Farm Equipment Association; LensCrafters; Midwest Automotive Wholesalers Association; National Rifle Association; Nebraska Independent Auto Dealers Association; Nebraska Nursery & Landscape Association; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska State Board of Agriculture; Nebraska State Historical Society; Norwest Bank Nebraska, N.A.; Philip Morris Management Corporation; Western Association

Remington, S. June - Lincoln; Nebraska Chapter of National Association of Social Workers
Rempe, Jay E. - Lincoln; Nebraska Farm Bureau Federation
Rex, L. Lynn - Lincoln; League of Nebraska Municipalities
Richards, Thomas - Omaha; Omaha Public Power District
Roberts, John L. - Lincoln; Nebraska Association of Hospitals & Health Systems
Robertson, Rob J. - Lincoln; Nebraska Farm Bureau Federation
Ruehle, Greg - Lincoln; Nebraska Cattlemen, Inc.
Ruth, Larry L./Ruth & Mueller Law Firm
Ruth, Larry L. - Lincoln; American Express Travel Related Services Company, Inc.; ASARCO Incorporated; AT&T Corp.; Big Red Keno Ltd.; Chief Ethanol Fuels, Inc.; First Data Corporation; Heartland Community Bankers Association; Jobs for Nebraska; Kellogg Company; League of Nebraska Municipalities; Lincoln Airport Authority; Lincoln Electric System; Lincoln Partnership for Economic Development; Nebraska Academy of Ophthalmology; Nebraska Collectors Association, Inc.; Nebraska Dental Association; Nebraska Interactive; Nebraska Methodist Health System, Inc.; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Pork Industry Group; Nebraska Press Association; Nebraska Society of Independent Accountants; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands, Inc.; Rural/Metro Medical Services; Western Sugar Company
Ryan, Beth - Lincoln; Nebraska Railroad Association
Remington, S. June - Lincoln; Nebraska State Association of Life Underwriters
Sahling, Shelley R. - Lincoln; Lincoln Electric System
Sands, David - Lincoln; National Audubon Society
Scanlan, Jeffrey L. - Plattsmouth Cornhusker Casualty Company
Schellpeper, William L. - Lincoln Nebraska Medical Association
Schimek, Herbert H. - Lincoln; Nebraska State Education Association
Schmidt, Tom - St. Paul, MN; Pfizer Inc.
Schmit-Albin, Julie - Lincoln; Nebraska Right to Life, Inc.
Schmit, Loran - Lincoln; Ethanol Research & Development Associates
Schmit, Loran/Schmit Industries Inc.
Schmit Industries, Inc. - Lincoln Nebraska Soybean Growers Association; Nebraska Wheat Growers
Schmit, Loran - Lincoln; Ag Processing, Inc.; Bell Family Farms
Schroeder, William - Schaumburg, IL; Alliance of American Insurers
Schuele, Joe - Lincoln; Aliant Telecommunications Inc.
Schwartz, Julia P. - Omaha; Children's Healthcare Services
Sedlacek, Ron/Brandt, Horan, Hallstrom & Sedlacek
Sedlacek, Ronald J. - Lincoln Nebraska Bankers Association; Nebraska Chamber of Commerce & Industry; Travelers Express Company, Inc.
Semerad, Mark F. - Omaha; ConAgra, Inc.
Settje, Dean - Lincoln; Nebraska Cattlemen, Inc.
Setzepfandt, Scott - Lakeville, MN; HLR Service Corporation
Shaw, Timothy F. - Lincoln; Nebraska Advocacy Services, Inc.

Sholl, Arthur F. - Omaha; American Society of Mechanical Engineers
Siefken, Kathy - Lincoln; Nebraska Retail Grocers Association
Sieh, Loren - Butte; Boyd County Monitoring Committee
Sigerson, Chuck - Omaha; Nebraska Republican Party
Smith, Dwayne G. - Columbus; Loup River Public Power District
Snyder, Kimberly - Lincoln; Nebraska Telephone Association
Snyder, Patricia - Lincoln; Nebraska Health Care Association
Solem, Calvin C. - Omaha; Associated General Contractors
Stading, Donald R. - Lincoln; Ameritas Life Insurance Corporation
Staritzky, Kim L. - Walthill; Center for Rural Affairs
Stewart, Elizabeth - Lincoln; Nebraska Farm Bureau Federation
Stilmock, Gerald/Brandt Horan Hallstrom Sedlacek
  Stilmock, Gerald M. - Syracuse; National Federation of Independent Business; Nebraska Pharmacists Association; Nebraska State Volunteer Firefighter's Association
Stock, Darrell K. - Lincoln; Hudson, Jim and Debbie
Stone, Fred R. - Lincoln; Nebraska Petroleum Marketers & Convenience Store Association
Sullivan, J. Scott - Omaha; Nebraska Credit Union League, Inc.
Sullivan, Patrick H. - Lincoln; Independent Lumber Dealers Association
Swartz, Jack - Lincoln; Nebraska Chamber of Commerce & Industry
Thompson, Nancy L. - South Sioux City 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; Erickson & Sederstrom, P.C.; Nebraska Municipal Power Pool (NMPP Energy); Nebraska Society of Clinical Laboratory Science
Todd Jr., A. Loy - Lincoln; Nebraska New Car & Truck Dealers Association
Tooker, Norman E. - Ralston; Nebraska State Grange
Uhe, Fred J. - Papillion; Sarpy County Board of Commissioners
Ullstrom, Galen F. - Omaha; Mutual of Omaha Insurance Company
Urdahl, Michael B. - Blair; Great Plains Communications, Inc.
Van Pelt, Carter - Lincoln; Nebraskans Against the Death Penalty
Vickers, Tom - Lincoln; American Massage Therapy Association-Nebraska Chapter; Association of Private Practice Therapist; Board of Educational Lands and Funds; Nebraska Association of School Boards; Nebraska Boundary Preservation Committee; Nebraska Community College Association; Nebraska Nurses Association; Nebraska Occupation Therapy Association, Inc.; Nebraska Propane Gas Association; The Westside Community & Ralston Public 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. - Earth City, MO; General Motors Corporation
Watson, Carol S. - Lincoln; Lincoln Benefit Life Company
Watson, James S. - Omaha; United HealthCare of the Midlands, Inc.
Weaver, James T. - Omaha; The NebraskaHealth System

Wiitala, Steve - Omaha; Omaha Public Schools
Williams, David M. - Lincoln; Ameritas Life Insurance Corporation
Wininger, Dwight R. - Lincoln; Nebraska Rural Telecommunications Coalition; American Communications Group, Inc.
Withem, Ron - Lincoln; University of Nebraska
Wright, Norman H. - Omaha; Children's Healthcare Services
Wurtz, Thomas A. - Omaha; Metropolitan Utilities District
Wylie, William M. - Elgin; Nebraska Insurance Information Service
Yearly, Erdice - Lincoln; American Association of Retired Persons
Yost, Kurt T. - Lincoln; Midwest Check Cashing Inc.; Nebraska Independent Bankers Association; The Central Nebraska Public Power & Irrigation District
Young, Harry D. - Waverly; Norris Public Power District
Young, Loyd L. - Seward; Nebraska Association of County Extension Boards

**MOTION - Adopt Permanent Rules**

Mr. Chambers offered the following amendment to the first proposed rules change to RULE #2:
2. In line 1, strike "three" and insert "nineteen".

Pending.

**MOTION - Escort Governor**

Mrs. Kiel 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 and Budget Address.

The motion prevailed.

The Chair appointed Messrs. Coordsen, Wesely, Hilgert, Preister, and Mrs. Bohlke to serve on said committee.

The committee returned and escorted Governor Ben Nelson to the rostrum where he delivered the following State of the State and Budget Address.

**SUCCESS 2000 - A BRIGHTER FUTURE FOR ALL**

I have lived in this state my whole life, yet I never cease to be amazed by its beauty and its people. Nebraska is still the great, open land of new horizons that the Native Americans knew, and its people are still as open as those horizons. We're still as free and hard-working and willing to share as we were when our pioneer ancestors arrived here.

Despite the skeptics and the critics and those predicting bad times ahead, Nebraska is thriving. As I travel across this vast state, I don't see the "Buffalo Commons" developing. I see new opportunity, new jobs and new technology.

Nor do I see the county lines and the other artificial boundaries. I see Nebraska - ONE Nebraska. I see the continuation of the great plains adventure.

- We have the lowest unemployment rate in the country at 1.9 percent.
- Our population increased nearly 5 percent from 1990 to 1996.
- At the same time, the number of jobs grew 13 percent.
- Nebraska workers are making more money. New full-time jobs in the state are paying about $3 more per hour than existing jobs. Thirty percent of the full-time jobs available in the state are paying at least $12 an hour.
- Our per capita income is up 7.4 percent, the fourth best growth rate in the nation.
- We've tripled our international exports, creating even more jobs here at home.
- Our economy is outperforming regional and national economies.

People are staying here and moving here, not just because of job opportunities, but also for our high quality of life.

- Our students rank in the top five in nearly every national assessment.
- By giving our struggling families the help they need to be self-sufficient, we have reduced the number of Nebraskans on public assistance by nearly 19 percent over just four years.
- We have become a leader in the promotion of ethanol, and I will soon sign an executive order on the use of more renewable energy by state agencies.
- We have a clean environment, a low crime rate and the best neighbors you'll find anywhere.

Our challenge is to continue a prosperous course into the future, and I believe Success 2000 is the right course that will lead Nebraska to a new century of progress and prosperity.

In many ways, Nebraska still is what America once was. We saw that demonstrated again in October when a dangerous snowstorm left many stranded and others in cold, dark homes. Nebraskans pulled together to survive, neighbor helping neighbor.

That community spirit can also be seen every year at the Nebraska State Fair, a real slice of genuine America. It's a tradition that showcases the diversity, the heritage and the hospitality of our One Nebraska. Even today, the sights,

sounds and smiles bring back fond childhood memories of going to the fair with my parents.

At last year's fair, we thought it would be fun to ask some of our younger fair-goers to tell us what they would do if they were Governor. Their responses give us a positive picture of the kind of children we're raising.

The number one topic was education. Many of them wanted more money for their schools for books and computers. Of course, some kids thought it would be great to attend school for just half an hour or to have no school on Mondays. But there were also those eager students who wanted to go to school year-round to learn even more.

Indeed, our school system is producing some brilliant children like Lincoln sixth grader Tyler Cantrell. He thinks I should be President! Tyler, you're the newest Admiral in the Great Navy of the State of Nebraska!

It should come as no surprise that our kids think big. If young Sarah were Governor, she would give everyone a million dollars a week. Alex would make baseball the "bestest" game in the world. And Jesse, I'd love to give your Dad a raise - if it fits in our budget!

We are also raising a very caring group of children. They are concerned about the hungry, the homeless and those with special needs. They worry about their peers using tobacco, alcohol and drugs. And they are thinking about the future - about keeping our streets safe, our environment clean and our taxes low.

There is one item on their wish list I can take care of today. It comes from Justin Lamberson, another Lincoln sixth grader. He said if he were Governor, he would make sure adults listen to kids.

An ancient proverb tells us:

"If we want to learn something, we must listen to the children."

Our young people do see things from a very different perspective, and the value of their opinions and ideas should never be underestimated.

Children are 100 percent of our future. They are Nebraska's 21st Century. And they are the driving force behind Success 2000 - our plan to create a brighter future for all.

When I think about our children's future, I naturally think of my own children. When I gave my first State of the State Address seven years ago, they were still in school. Today, they are "20-somethings" - part of the generation I refuse to label with an "x."

Over the past seven years, Diane and I have become in-laws and grandparents. We are very fortunate that all our children have chosen to build their lives in their home state of Nebraska.

The 1990s have been good to the Nelson family. I believe many Nebraska families will look back at this decade as one of progress and prosperity. I also want to make sure our families can look ahead with optimism to the next decade, the beginning of a new century. That is why the heart of my legislative package for this session is children and families.

The starting point is to make sure our children are growing up healthy. We have nearly 30,000 children living in low-income households without health insurance. Too often, the emergency room is the only place to which the parents can turn when their children are ill.

Our "Kids Connection" program will provide them with basic health coverage by using existing state funds to match new federal funding. It's an investment in healthy children, an investment that will pay off by reducing health care expenses for all of us now and into the future.

The state funding for Kids Connection is part of a new health trust fund, another Success 2000 initiative. This fund is designed to slow the rapid rise in health care costs by making sure appropriate care is available across the state.

The sale of tobacco to minors is another health challenge facing our young people. Tobacco use is the largest preventable cause of death and disease in Nebraska. If our kids can't get their hands on tobacco products, they can't get hooked. Establishing a Tobacco Registry will improve compliance checks, increase enforcement of our laws and allow for educational programs.

At the same time, we must continue our commitment to keep our children drug and alcohol-free. We will continue our efforts to take dangerous substances like methamphetamine off our streets. And we will continue spreading the word that drugs are a dead end.

The DARE program has already touched the lives of 160,000 young people in our state. Students, teachers and parents all tell me it's working. Continued funding for the DARE program is an investment in a drug-free future.

Another major investment we make in the lives of our children is education. One of our strongest advocates of educational excellence is New York attorney Ted Sorensen. He was raised and educated in Nebraska and went on to a distinguished career as a presidential advisor and best-selling author.

Sorensen was back in Lincoln in 1996 to deliver the very first Governor's Lecture in the Humanities. He said that in order for our students to be ready

for the 21st century, they "must not only be *stuffed* with information, but *stretched* to open their minds."

Providing that kind of quality education is essential if we want our students to compete with their peers in other states and other countries. That's why we must finish work on the establishment of voluntary statewide academic standards. My Cabinet on Quality Education, established as part of the Success 2000 agenda, has made standards job one.

With our tight labor market, keeping our children in Nebraska to continue their education and their careers has never been more important. Nebraska businesses tell us their top priority is workforce attraction and retention.

We know it's natural for young people to get restless and want to see what life is like elsewhere. But, as my own children discovered when they moved out of the state, there is no place like Nebraska.

We've known for a long time that we have something special here. In one of his State of the State Addresses, Governor Silas Holcomb said:

> "People who have left the state with a view of finding more favorable locations are fast returning, convinced that Nebraska offers advantages equal to those of any other portion of the Union."

He gave that speech 99 years ago. The words are even more true today.

The "brain gain" scholarship program is a positive step toward stopping the "brain drain." We can keep our most promising students in Nebraska by giving them an incentive to study here and stay here.

Our workforce initiatives also include the promotion of internships and an international campaign to market the good education, good jobs and good life of Nebraska. My upcoming summit on workforce development is another positive step toward providing the quality workforce that will keep our economy growing.

Job growth in Nebraska has been shared equally by metropolitan and rural areas, and we need to build on the success of our statewide economic development efforts. By giving our Rural Development Commission more stability and flexibility, we strengthen our partnerships across the state.

Agriculture continues to be the backbone of Nebraska. We will continue to be aggressive in promoting Nebraska quality around the globe. We will also continue to bring people together to tackle the tough issues facing the industry.

- As the nation's largest exporter of red meat, we have set the standard for beef quality. Our efforts to unite all segments of the beef industry to solve the E. coli problem will also help us maintain our role as a leader in beef safety.

- I am also confident that by working with the agriculture industry, environmental interests and sound science, we can make sure that future livestock developments are good for our economy while protecting our environment.

- We will continue our efforts to work with the State of Kansas to resolve the Republican River issue. Despite the focus of Kansas officials on litigation, we seek negotiation.

In this vast state, our highway system keeps our economy moving. To shift our highway program into high gear, I am proposing a one-time boost of $50 million from the reserve fund. This will allow us to accelerate much needed projects that otherwise would have to wait until after the turn of the century.

At the same time, we cannot allow inaction by Congress to create roadblocks in Nebraska's highway improvement plans. To replace the dollars we were promised, we need to use our reserve fund on a temporary basis to keep our highway plans on track without forcing an increase in the gas tax.

The information superhighway is providing us with tremendous opportunities. But we must make sure we are managing the technology, not the other way around. Our information technology initiative will provide planning and coordination to make sure we are getting the biggest bang for our technology buck. Our goal is to provide government services better, faster and cheaper.

Nebraska is already a recognized leader in technology. We rank fifth in the country in the ratio of computers to students and third in the percentage of schools with access to the web.

By continuing to work with schools and communities across the state, we can stay on top. Being a leader provides the most opportunities for the experts of the future - those kids we now rely on to program our VCRs!

Our children and our families cannot face the future with optimism if they don't feel safe. Nebraska remains one of the safest states in the country, and we intend to stay that way by putting more of our troopers on the roads. Those who do fall victim to crime will benefit from a new victim notification system - a system that has the potential to save lives.

These initiatives on health, education, the economy, technology and safety are necessary to support the high quality of life we now enjoy and the quality of life we want our children to enjoy in the future.

But one issue continues to cloud the horizon. We must take care of the unfinished business of tax reform. Nebraskans have made it very clear that they want tax relief to be a priority again this session.

We've cut the growth in spending. We've merged state agencies. We've proven that we can provide for the needs of the state, keep an adequate amount in reserve and cut taxes at the same time. We're ready to continue that course.

1997 was a very significant year for the citizens of Nebraska.

- We finished the fiscal year with the highest budget balance and the largest cash reserve in Nebraska history.
- At the same time, we passed a 5-percent income tax cut.
- The self-employed can now deduct 100 percent of their health insurance costs.
- We made 3,600 more Nebraskans eligible for homestead exemption benefits.

1997 was a good year, and 1998 will be even better. Our growing economy has given us the opportunity to make our tax cuts permanent and larger. To achieve true tax reform, we must also take steps to control local spending and property valuations.

I was curious to see if tax cuts were an issue in Nebraska a century ago. But I couldn't find a State of the State Address from 1898. As it turns out, there was no legislative session that year.

But if you check the next year - Governor Holcomb's address to the 26th State Legislature - you'll see that there has long been opposition to the idea of taking more taxes from the people than are needed.

When that happens, as Governor Holcomb said:

> ". . . a wrong is committed against the people, the burdens of taxation become oppressive, and the people have a just right to complain."

Reducing the personal income tax is the best way to allow Nebraska families to benefit from our growing economy - an economy their hard work has built.

Financial projections clearly show that the temporary 5-percent income tax cut enacted last year cannot only be permanently sustained, but also increased an additional 2 percent across the board.

The right course for the State of Nebraska is to resist the urge to increase spending and allow more dollars to stay with Nebraska families.

It is also time to take action to resolve the property tax dilemma - a problem that goes back decades. The state has tried to ease the property tax burden numerous times by increasing state aid. Aid to individuals, schools and local

governments is now 60 percent of our state budget. But those increases have failed to produce property tax relief. Instead, they've resulted in more local spending and even higher local property taxes.

State aid to schools will increase by more than $110 million starting this year. We must take steps now to ensure that this increased state aid is used for property tax relief, not new spending.

I'd like to share with you a section from the Uniform Instructions to County and Precinct Assessors. This particular passage explains why a reduction in property valuations did not achieve the intended results of tax relief.

> ". . . there is obviously only one way to accomplish this result and that is LOWER THE EXPENDITURES OF THE STATE AND ITS TAXING SUBDIVISIONS."

The last few words are capitalized for emphasis. Now, guess what year this was written. The Tax Commissioner was W.H. Osborne Jr., and he published this in 1922 - 76 years ago.

Nebraskans knew then, and we know now, that the only way to achieve true, long-term property tax relief is to lower spending. It's time we got the job done.

That's why I am proposing to limit increases in the amounts local governments can spend in any one year to 2.5 percent. This spending cap guarantees that the levy limits established last session meet their goal - property tax relief.

Under the proposal, local governments could only use increased state aid, local sales tax dollars, keno proceeds or any other ongoing revenues to decrease the reliance on property taxes, not for more spending.

The cap encourages consensus building. Because voters have the option of overriding the spending cap and the levy limit, communities will decide for themselves if they want increased spending or property tax relief. The ultimate result is more local control.

While limiting local spending, we must continue our efforts to control spending at the state level - efforts that have held the average annual growth in state operations to less than 3.5 percent during this administration.

While spending is an important part of the property tax equation, property valuations also have a major impact on the final result. For many Nebraskans, the real property tax shock comes when their property is reassessed, and they find out their new valuations. Your starter home suddenly seems like a starter mansion, and your dream house turns into a property tax nightmare!

I've developed a two-part approach that will prevent the huge spikes in property valuations and property tax bills that have frustrated too many Nebraskans.

- First, we need to limit to 15 percent the amount that assessed valuations can increase in any one year.

- Second, we need to require the use of five years of sales data to set the level of assessment. This will slow the growth of assessed valuations and put the brakes on the valuation roller coaster.

This adds common sense to a system that threatens to tax people out of their homes.

We also see property tax relief when communities work together to provide services more efficiently. That's why I am also proposing a Constitutional Amendment that will make it easier for cities and counties to share services to save money.

This is not a top-down approach. As President Eisenhower said:

> "You do not lead by hitting people over the head - that's assault, not leadership." The key again is local control. Any mergers or consolidations would require local voter approval.

In short, property tax relief requires three elements, and by the end of this session, we need to have all three in place.

- Number one is the levy limits enacted last session.

- Number two is the spending cap I am proposing.

- Number three is the leveling of valuations I just outlined.

We must have all three to create true, stable, long-lasting property tax relief.

Our goal must always be tax fairness for all. Nebraskans will simply not accept a "business as usual" attitude on taxes this session. They are looking to us to find new and better ways to get the job done now. We can't afford to stand still on taxes or any other quality of life issue.

President Kennedy advised us to:

> "Hold fast to the best of the past, and move fast to the best of the future."

That is what Success 2000 is all about - the best of the future.

When I think of the best of the future, I think of young people like Rasheen Coleman of Omaha, whom I was visiting with just before this speech. Rasheen has had to face some pretty steep obstacles in his young life.

His mother was a drug addict who abused him physically and emotionally. She died of AIDS in 1988. Two years later, Rasheen says, he walked into the South Omaha Boys and Girls Club with low self-esteem and no hope.

That's when everything changed for him. At the Club, he found a safe haven, a place that taught him the importance of community service, a place where he learned that he, too, was a good person who had much to give.

The guidance he found took him all the way to the White House, where he was honored as the 1997 National Youth of the Year for the Boys and Girls Clubs of America. Rasheen, on behalf of all Nebraskans, we congratulate you.

Today, Rasheen started the second semester of his sophomore year at the University of Nebraska at Omaha, where he's majoring in political science. It sounds like he already has the speech-making part of politics down pretty well. President Clinton told him his speech on community service was the best one he heard at the President's Summit for America's Future - even better than Colin Powell's!

In that speech, Rasheen talked about the difference one person can make in the lives of others. And he talked about the importance of standing up for the young people of this country. Because someone else cared and believed in Rasheen, he has become a genuine American success story, and the best news is his story is only beginning. He has the potential to touch many more lives as a 21st century leader.

Today, there are many young Rasheens in our state. The promise in our young people is unlimited, and we must do all we can to make sure they reach their full potential.

This good life we enjoy in Nebraska is not just a legacy we received from our ancestors - it is also a loan from our children. We owe it to future generations to leave them with a sound fiscal policy, a growing economy, quality education, safe streets and a healthy environment.

We also need to keep Nebraska as a place where nice guys like Dr. Tom Osborne can finish first! We all know that he is a genuine American coaching legend, but his players will tell you he is much more than a coach. Coach Osborne's job was to win games, but he never lost sight of what is really important - helping each young person reach his full potential as an athlete and as a person.

Coach Osborne's commitment to our young people - our future - serves as a great example for all of us as we look to the future of this great state.

Like Coach Osborne and his staff, my administration has been working to build a "game plan" for the continued prosperity of Nebraska, a program of success that will continue into the next century. I am proud of what we have

been able to accomplish, and I thank the members of the Legislature for your cooperation and support.

Just like Coach Osborne approaching his final bowl game, I'm not ready to rest on any laurels. There's far too much that needs to be accomplished, and my team is playing until it's time for a new team to take the field.

I look forward to continuing to work with you to set the right course for our great state. I hope we will be able to look back on this session and this year not as an end, but as a beginning. By working together we can achieve Success 2000 - a brighter future for all Nebraskans.

The committee escorted Governor Ben Nelson from the Chamber.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1104.** Introduced by Raikes, 25; Engel, 17; Hudkins, 21; Maurstad, 30; D. Pederson, 42; Robinson, 16; Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1344, Revised Statutes Supplement, 1997; to change greenbelt provisions relating to special valuation of agricultural or horticultural land; and to repeal the original section.

**LEGISLATIVE BILL 1105.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4208, Revised Statutes Supplement, 1997; to provide for transfers of funds related to property tax relief; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1106.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1997; to provide for a transfer of funds; and to repeal the original section.

**LEGISLATIVE BILL 1107.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to the Secure Youth Confinement Facility Fund; to amend section 77-2602, Reissue Revised Statutes of Nebraska; to change provisions relating to the fund; to eliminate obsolete language; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1108.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 116A, section 1; Laws 1997, LB 278A, section 1; Laws 1997, LB 384, sections 8 and 16; Laws 1997, LB 386, sections 11, 12, 16, 18, 28, 47, 52, and 60; Laws 1997, LB 389, sections 16, 19, 21, 40, 51, 54, 81, 86, 88, 89, 90, 92, 93, 95, 99, 100, 107, 109, 115, 121, 122, 136, 146, 147, 150, 155, 156, 162, 188, 192, 199, 201, 208, 211, 217, 218, 220, 234, 235, 239, 242, and 260; and Laws 1997, LB 852A, 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 and eliminate intent; to change transfers; to repeal the original sections; and to declare an emergency.

## UNANIMOUS CONSENT - Add Cointroducers

Ms. Schimek, Mmes. Robak, C. Peterson, and Mr. Dw. Pedersen asked unanimous consent to have their names added as cointroducers to LB 937. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Senator Bohlke's sister, Sharon Marvin, Carolyn Hansen, and Millie Flansburg, from Omaha.

The Doctor of the Day was Randy Kohl from Firth.

## ADJOURNMENT

At 4:38 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Tuesday, January 13, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

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# FIFTH DAY - JANUARY 13, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 13, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Major Robert Boone, Salvation Army, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, Messrs. Coordsen, Dierks, Hilgert, Landis, Tyson, Wickersham, and Will who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

### MOTION - Adopt Temporary Rules

Mr. Bromm moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 13, 1998.

The motion prevailed.

## ATTORNEY GENERAL'S OPINION

Opinion No. 98002

DATE: January 12, 1998

SUBJECT: Whether Legislation That Would Waive a Motor Vehicle Operator's License Fee for an Individual Agreeing to Become an Organ Donor is Permissible Under the Nebraska Revised

Statutes and the United States Constitution.

REQUESTED BY: Senator Jim Cudaback
District No. 36

WRITTEN BY: Don Stenberg, Attorney General
Paul N. Potadle, Assistant Attorney General

ANSWER:

A law providing for the waiver of motor vehicle licensing fees for organ donors should be permissible depending on the final language of the statute. Careful drafting of the proposed statute should include consideration of potential free exercise of religion and equal protection arguments and liability questions, such as informed consent.

Discussion

The guiding premise that must be acknowledged when addressing whether the state can waive licensing fees for individuals who elect to become organ donors is that there is no right to operate a motor vehicle guaranteed by the United States Constitution or the laws of Nebraska. In fact, the Nebraska Supreme Court has stated that, "[a] license to operate a motor vehicle is . . . a mere privilege." ***Hadden v. Aitken***, 156 Neb. 215, 222 (1952). Since driving is a privilege granted by the state, and since Nebraska has no constitutional or statutory provision concerning how motor vehicle operators' license fees must be set, the legislature has plenary constitutional authority to set the cost of obtaining a state motor vehicle operators' license.

The state may not charge an unreasonable fee. However, generally speaking, courts have been reluctant to find licensing fees "unreasonable" when the State charges too little or nothing for a license. The case law tends to focus on instances where a state charges too much for a fee, there is no rational basis for the fee, or where the fee somehow violates interstate commerce. ***See Ingels v. Morf***, 57 S.Ct. 439 (1937), and ***Checker Cab Co. v. Romulus***, 123 N.W.2d 772, 371 Mich. 232 (1963). Furthermore, there is no case addressing the issue of whether a state may waive the fee for organ donors.

A foreseeable constitutional argument might be made by a person whose religion does not allow organ donation. In ***Quering v. Peterson***, 728 F.2d 1121 (1984), aff'd ***Jensen v. Quering***, 472 U.S. 478 (1985), a Nebraska citizen objected on religious grounds to the statutory requirement that driver's licenses include photographs. The U.S. Court of Appeals for the Eighth Circuit held that the statutory requirement placed an "unmistakable burden" on Quering's religious beliefs and that "only those interests of the highest order . . . can overbalance legitimate claims to the free exercise of religion." ***Quering***, 728 F.2d 1125-1126. It is doubtful that the fee for a license would be considered an "unmistakable burden" on a religious belief.

Even if it were, the state's interest in promoting organ donation might be viewed as an interest of the "highest order", justifying the "burden." Any constitutional challenge to the legislation would be more likely to be raised as an equal protection argument. The legislation should withstand such a challenge as long as the classification drawn by the statute -- those who pay for the licenses and those who do not -- is rationally related to a legitimate governmental purpose. ***See, e.g., Cleburne v. Cleburne Living Center***, 473 U.S. 432 (1985). The promotion of organ donation should satisfy the rational basis requirement.

An additional consideration is whether the proposed statute would create a liability risk for the state. The question is basically whether the state would be liable for lack of informed consent, or similarly, whether the incentive of not having to pay licensing fees would affect the legitimacy of the donor's decision. The informed consent issue could be addressed through a provision in the law that would require that the individual be advised of the consequences of the decision to become an organ donor.

Finally, depending on the final language of the statute, there may be a conflict with the Uniform Anatomical Gift Act unless there is a provision that would allow the donor to revoke the gift. ***See*** Neb. Rev. Stat. §71-4806 (1996). The proposed statute should offer the donor some means of revocation, although the legislature could include a provision whereby an individual would pay for the license if the gift were revoked.

Conclusion

The proposed statute to allow the waiver of motor vehicle licensing fees to individuals who agree to become organ donors would appear to be permissible and constitutional under the Nebraska Revised Statutes and the Constitution of the United States. Consideration should be given to free exercise of religion and equal protection arguments in the drafting process. The language of the statute should also provide that potential donors be given adequate information about organ donation before they consent to donation, and some means to revoke the donation, to avoid possible state liability. If these issues are addressed prior to enactment of the law, the statute should be permissible and constitutional.

Sincerely,
DON STENBERG
Attorney General
(Signed) Paul N. Potadle
Assistant Attorney General

46-2361-3

## RESOLUTION

**LEGISLATIVE RESOLUTION 305.** Read. Considered.

LR 305 was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

## MOTION - Rerefer LB 924

Mr. Chambers renewed his pending motion, found on page 189, to rerefer LB 924 to Government Committee.

Mr. Chambers withdrew his motion.

## MOTION - Adopt Permanent Rules

Mr. Will renewed his pending motion, found on page 215, to adopt the permanent rules for the Ninety-Fifth Legislature, Second Session.

Mr. Chambers renewed his pending amendment, found on page 250, to the first proposed rules change to RULE #2, found on page 227.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Landis | Schrock | Tyson |
| Beutler | Engel | Pedersen, Dw. | Stuhr | Will |
| Brashear | Hillman | Pederson, D. | Thompson | Witek |
| Bromm | Janssen | Peterson, C. | | |

Present and not voting, 26:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hartnett | Lynch | Robak | Suttle |
| Brown | Hudkins | Matzke | Robinson | Vrtiska |
| Coordsen | Jensen | Maurstad | Schellpeper | Wehrbein |
| Crosby | Jones | Preister | Schimek | Wesely |
| Cudaback | Kristensen | Raikes | Schmitt | Willhoft |
| Elmer | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Dierks | Hilgert | Kiel | Wickersham |

The Chambers amendment lost with 1 aye, 18 nays, 26 present and not voting, and 4 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1109.** Introduced by Raikes, 25; Brashear, 4; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska, and section 77-2715.02, Revised Statutes Supplement, 1997; to change income tax rate schedules as prescribed; to change the standard deduction amount; and to repeal the original sections.

**LEGISLATIVE BILL 1110.** Introduced by Hartnett, 45; Bohlke, 33; Wehrbein, 2.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1201, Reissue Revised Statutes of Nebraska, and section 79-1241, Revised Statutes Supplement, 1997; to provide for funding of core services; to state intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1111.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend sections 3-506, 3-616, 3-709, 8-112, 8-141, 8-1,131, 13-1305, 18-2102.01, and 46-1,141, Reissue Revised Statutes of Nebraska; to change provisions relating to the deposit of public funds; to provide notice to financial institutions about certain subpoenaed information; to change provisions relating to lending limits; to authorize banks to administer certain additional individual retirement accounts in accordance with federal law; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1112.** Introduced by Robak, 22; Brown, 6; Chambers, 11; Crosby, 29; Dierks, 40; Hilgert, 7; Hillman, 48; Janssen, 15; Kiel, 9; Dw. Pedersen, 39; Preister, 5; Schimek, 27; Schmitt, 41; Suttle, 10; Thompson, 14; Willhoft, 34.

A BILL FOR AN ACT relating to insurance; to require coverage for mental health conditions; to define terms; to provide duties; and to provide limitations.

**LEGISLATIVE BILL 1113.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1228, Reissue Revised Statutes of Nebraska; to change provisions relating to simulcast licenses; and to repeal the original section.

**LEGISLATIVE BILL 1114.** Introduced by Brown, 6; Brashear, 4; Bruning, 3; Hartnett, 45; Hillman, 48; Jensen, 20; Dw. Pedersen, 39;

Thompson, 14; Wehrbein, 2; Will, 8.

A BILL FOR AN ACT relating to economic development; to amend sections 77-3501.01, 77-3506.02, 77-3506.03, 77-3509.01 to 77-3509.03, and 85-502, Reissue Revised Statutes of Nebraska, and sections 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1997; to create incentives for worker recruitment; to state intent; to provide for a grant and homestead exemption; to change resident tuition requirements; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 1115.** Introduced by Brown, 6.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1997; to provide a duty for medical personnel to report alcohol-related accidents; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1116.** Introduced by Suttle, 10; Brown, 6; Bruning, 3; Engel, 17; Hilgert, 7; Jensen, 20; Maurstad, 30; Robinson, 16; Tyson, 19; Witek, 31; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02, 77-2716, 77-2716.01, and 84-612, Revised Statutes Supplement, 1997; to change the income tax rate change; to extend an adjustment to income and changes in personal exemptions; to eliminate a transfer of cash reserve funds; to provide operative dates; and to repeal the original sections.

## ANNOUNCEMENT

Mr. Jensen designates LB 777 as his priority bill.

## MOTION - Adopt Permanent Rules

Mr. Will asked unanimous consent to pass over the Rules Committee proposed rules change, RULE #2, found on pages 196 and 197.

Mr. Chambers objected.

Mr. Will moved to pass over the Rules Committee proposed rules change, RULE #2, found on pages 196 and 197.

Messrs. Janssen and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Will requested a roll call vote on his motion to pass over proposed rules change, RULE #2.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Lynch | Peterson, C. | Wesely |
| Beutler | Engel | Matzke | Preister | Wickersham |
| Bromm | Hillman | Maurstad | Schimek | Will |
| Brown | Jensen | Pedersen, Dw. | Schrock | Willhoft |
| Coordsen | Kristensen | Pederson, D. | Stuhr | Witek |
| Crosby | Landis | | | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Bruning | Raikes | Schmitt | Thompson | Vrtiska |
| Chambers | Robinson | Suttle | Tyson | Wehrbein |
| Hudkins | | | | |

Present and not voting, 6:

| | | | |
|---|---|---|---|
| Bohlke | Cudaback | Robak | Schellpeper |
| Brashear | Jones | | |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Dierks | Hartnett | Hilgert | Janssen | Kiel |

The Will motion prevailed with 27 ayes, 11 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mmes. Brown, Robak, Hillman, Messrs. Wehrbein, Lynch, Jensen, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

The Rules Committee renewed the proposed rules change, RULE #3, found on page 197, to Rule 6, Sec. 8.

Mr. Chambers offered the following amendment to the proposed rules change, RULE #3:

In third line from the bottom, strike "one" and reinstate "three"

Messrs. Dw. Pedersen and D. Pederson 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 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | Kristensen | Robak | Schellpeper | Tyson |
| Elmer | Maurstad | Robinson | Schimek | Willhoft |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Landis | Stuhr | Wesely |
| Beutler | Hillman | Matzke | Thompson | Will |
| Bruning | Hudkins | Schrock | Wehrbein | Witek |
| Crosby | Jensen | | | |

Present and not voting, 17:

| | | | | |
|---|---|---|---|---|
| Bohlke | Coordsen | Jones | Peterson, C. | Suttle |
| Brashear | Cudaback | Lynch | Preister | Vrtiska |
| Bromm | Engel | Pedersen, Dw. | Schmitt | Wickersham |
| Brown | Janssen | | | |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Dierks | Hartnett | Kiel | Pederson, D. | Raikes |

The Chambers amendment lost with 10 ayes, 17 nays, 17 present and not voting, and 5 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 1117.** Introduced by Wickersham, 49; Engel, 17; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Robak, 22; Schellpeper, 18.

A BILL FOR AN ACT relating to law enforcement; to amend sections 7-111, 13-1504, 13-1801, 15-733, 18-1703, 18-1741.01, 18-1741.03, 18-1741.04, 18-1741.07, 23-1704.01, 23-1706, 23-1707, 25-1223, 25-1238, 25-21,230, 25-2229, 25-2230, 25-2231, 28-109, 28-204, 28-906, 28-929, 28-930, 28-1008, 29-215, 29-401, 29-422, 29-424, 29-427, 33-119, 33-120, 33-135.01, 49-801, 52-1504, 53-117, 53-134, 53-167.02, 53-167.03, 53-180.07, 53-197, 54-129, 54-155, 60-119, 60-122, 60-125, 60-325, 60-4,170, 60-4,184, 60-556, 60-667, 60-679, 60-680, 60-695, 60-699, 60-6,103, 60-6,110, 60-6,119, 60-6,148, 60-6,151, 60-6,152, 60-6,165, 60-6,166, 60-6,172, 60-6,173, 60-6,192, 60-6,231, 60-6,233, 60-6,268, 60-6,308, 60-2401.01, 64-108, 71-161.06, 71-1,147.11, 71-1,147.46,

71-1333.02, 74-597, 75-130, 76-1446, 77-1725.01, 81-1402, 81-1403, 81-1404, 81-1410, 81-1411, 81-1413, 83-195, and 83-1,128, Reissue Revised Statutes of Nebraska, sections 32-1549, 33-117, 53-125, 54-304, 60-489, 60-4,118, 60-696, 60-6,164, and 81-1401, Revised Statutes Supplement, 1996, and sections 28-907, 28-931, 28-931.01, 28-1012, 39-311, 60-4,100, 60-4,130, 60-601, and 77-1214, Revised Statutes Supplement, 1997; to create a class of peace officer to be known as constable and to provide powers and duties; to define terms; to create the position of process officer and to provide powers and duties; to eliminate obsolete language relating to the transfer of municipal employees; to harmonize provisions; to repeal the original sections; and to outright repeal section 24-593, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1118.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the State Visitors Promotion Cash Fund; to amend section 81-1252, Reissue Revised Statutes of Nebraska; to establish restrictions on use of funds; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1119.** Introduced by Wickersham, 49; Hartnett, 45; Robinson, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3,119 and 77-912, Reissue Revised Statutes of Nebraska; to adopt the Mutual Finance Assistance Act; to provide funding; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1120.** Introduced by Wickersham, 49; Hartnett, 45; Robinson, 16.

A BILL FOR AN ACT relating to fire protection districts; to amend sections 35-502, 35-507, 35-509.01, 35-514, 35-521, 35-530 to 35-533, 35-535, and 35-536, Reissue Revised Statutes of Nebraska, and sections 35-506, 35-509, 35-516, and 35-517, Revised Statutes Supplement, 1996; to change provisions relating to fire protection district organization, annexation, and merger; to provide duties; to eliminate provisions relating to the establishment, formation, and withdrawal of certain districts; to change references relating to registered voters; to provide termination dates; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 35-503 to 35-505, 35-513.01 to 35-513.05, 35-514.01, 35-523 to 35-526, 35-528, and 35-534, Reissue Revised Statutes of Nebraska, and section 35-527, Revised Statutes Supplement, 1996; and to declare an emergency.

**LEGISLATIVE BILL 1121.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational

Opportunities Support Act; to amend sections 79-1001, 79-1003, and 79-1018.01, Revised Statutes Supplement, 1997; to change provisions relating to other actual receipts; to create a fund; to provide for appropriations; and to repeal the original sections.

**LEGISLATIVE BILL 1122.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to county government; to amend sections 23-131, 23-135, and 23-1303, Reissue Revised Statutes of Nebraska; to authorize development of funds transfer systems; to provide powers and duties for county officers; and to repeal the original sections.

**LEGISLATIVE BILL 1123.** Introduced by Bohlke, 33; Bromm, 23; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 13-508 and 79-1083, Reissue Revised Statutes of Nebraska, and section 79-1024, Revised Statutes Supplement, 1997; to change provisions relating to Class I school district budgets; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1124.** Introduced by Wickersham, 49; Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1008.01, 79-1008.02, 79-1015, 79-1015.01, 79-1022, 79-1031, and 79-1031.01, Revised Statutes Supplement, 1997; to change provisions relating to state aid; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1125.** Introduced by Elmer, 44.

A BILL FOR AN ACT relating to water resources; to adopt the Wellhead Protection Area Act.

**LEGISLATIVE BILL 1126.** Introduced by Elmer, 44.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,113.01, Revised Statutes Supplement, 1997; to change provisions relating to the Community Improvements Cash Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1127.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to children; to amend section 84-205, Revised Statutes Supplement, 1997; to create the Juvenile Division of the Attorney General's office; to require reporting and investigation of the death of a child; and to repeal the original section.

**LEGISLATIVE BILL 1128.** Introduced by Brashear, 4; Lynch, 13;

Preister, 5; Will, 8.

A BILL FOR AN ACT relating to trustees; to amend section 30-3209, Revised Statutes Supplement, 1996; to change provisions relating to authorized investments; to provide duties for trustees of certain pension systems; and to repeal the original section.

**LEGISLATIVE BILL 1129.** Introduced by Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to state government; to amend sections 81-1108.26, 81-1114, 81-1114.01, 81-1712, and 81-1713, Reissue Revised Statutes of Nebraska, section 81-1108.27, Revised Statutes Supplement, 1996, and sections 81-1108.43 and 81-1118, Revised Statutes Supplement, 1997; to change provisions relating to utilities, capital construction, and professional services contracts; to rename a bureau of the Department of Administrative Services; and to repeal the original sections.

## ANNOUNCEMENT

Mr. Tyson designates LB 1075 as his priority bill.

## AMENDMENT - Print in Journal

Messrs. Beutler and Jones filed the following amendment to LB 656:
AM2782

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that the Niobrara River corridor is a local, state, and national treasure and that the natural diversity of the river corridor should be preserved through maximizing cooperation between local landowners and other Nebraska citizens, as well as local, state, and federal governments. The federal Niobrara Scenic River Designation Act, Public Law 102-50, designated a part of the river corridor as a component of the national wild and scenic rivers system, and the United States Department of the Interior, National Parks Service, issued a General Management Plan and Final Environmental Impact Statement outlining management alternatives for the federally designated portion of the river corridor. The preferred management alternative suggests creation of a council pursuant to the Interlocal Cooperation Act to coordinate planning and management for the relevant portions of the river corridor in Cherry, Brown, Rock, and Keya Paha counties. Due to the fact that all the people of Nebraska have a stake in continued good stewardship of the land and natural resources of the Niobrara River corridor, it is appropriate that the Legislature provide financial resources to assist the council in its efforts.

Sec. 2. For purposes of this act, council means the Nebraska Scenic River Local Management Council formed pursuant to

the Interlocal Cooperation Act to carry out the intent stated in section 1 of this act.

Sec. 3. The Legislature recognizes that the council can provide important planning and management coordination for the federally designated portions of the Niobrara River corridor if the conditions in this section are met, and it is the intent of the Legislature to appropriate one hundred thousand dollars in fiscal year 1998-99, fifty thousand dollars in fiscal year 1999-00, and twenty-five thousand dollars in fiscal year 2000-01 for the operation of the council if: (1) The membership of the council includes representatives of the county commissions or county boards in Cherry, Brown, Rock, and Keya Paha counties, the Middle Niobrara Natural Resources District, the Lower Niobrara Natural Resources District, the Game and Parks Commission, the United States Fish and Wildlife Service, and the National Parks Service; (2) each zoning-related ordinance or resolution adopted by any of the four counties includes provisions for at least thirty days' notice by the county to the council prior to the final public hearing and final vote by the county on any zoning changes or revisions within the federally designated portions of the Niobrara River corridor; and (3) the council submits nonbinding opinions on all zoning-related ordinances or resolutions noticed under subdivision (2) of this section prior to the final public hearing or final vote on the change or revision. The funding provided in this section shall not be used for acquisition or leasing of title or easements to land. All appropriations of the nonfederal share of the costs of the council shall be administratively located within the Game and Parks Commission.

Sec. 4. (1) Any state or state-assisted activity or undertaking proposed within the federal boundaries of a river corridor designated pursuant to the federal Niobrara Scenic River Designation Act or the federal Wild and Scenic Rivers Act of 1968, as amended, shall be consistent with the purpose of the federal acts, including the river corridor's free-flowing condition, scenic, geological, biological, agricultural, historic, and prehistoric resources.

(2) The head of any state or local agency having direct or indirect jurisdiction over a proposed state or state-assisted undertaking within the designated federal boundary of the Niobrara River corridor and the head of any agency having authority to license or permit any undertaking in such area shall at the earliest feasible time prepare a detailed proposal and submit it to the council for its review.

(3) The council shall review the proposal and consult with the agency. If, within thirty days after such review and consultation, the council finds that the proposed action is not consistent with the purposes of this section, the agency shall not proceed with the action until after a justification for the action has been submitted to the Governor and approved by the Governor in

writing. The justification shall include the following elements: The anticipated, current, future, and cumulative effects on the scenic and natural resources of the designated river corridors; the social and economic necessity for the proposed action; all possible alternatives to the proposed action including a no-action alternative; the comparative benefits of proposed alternative actions; and the mitigation measures outlined in the proposed action.".

## RESOLUTION

**LEGISLATIVE RESOLUTION 316.** Introduced by Lynch, 13.

WHEREAS, former Douglas County official George Buglewicz died on July 26, 1997, at the Bergan Mercy Medical Center from complications following heart bypass surgery; and

WHEREAS, George Buglewicz was born on February 18, 1923, in Omaha, Nebraska; and

WHEREAS, George Buglewicz was an Omaha South High graduate; and

WHEREAS, George Buglewicz served in the United States Army Air Corps from 1942 to 1945 and 1950 to 1952; and

WHEREAS, George Buglewicz worked in sales and management in the private sector, primarily the motor carrier field, for over thirty-eight years; and

WHEREAS, George Buglewicz was a dedicated family man. He married Blanche Koznarek on May 26, 1946, and had eight children and sixteen grandchildren; and

WHEREAS, George Buglewicz served his community as a member of many civic organizations and as a county official for twenty-eight years; and

WHEREAS, George Buglewicz was first elected to the Douglas County Board of Commissioners in 1966 and reelected in 1970, 1974, and 1978; and

WHEREAS, George Buglewicz was elected as Douglas County Register of Deeds in 1984 and reelected in 1988 and 1992; and

WHEREAS, George Buglewicz will be remembered for his accomplishments in the areas of community services for individuals with mental retardation, county corrections, and computerization of county services.

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

1. That the Legislature extends its condolences and sympathy to the family of the late George Buglewicz.

2. That a copy of this resolution be sent to his widow, Blanche Buglewicz, and his family.

Laid over.

## MOTION - Adopt Permanent Rules

Mr. Chambers offered the following amendment to the proposed rules

change, RULE #3:

Starting in line 5, to read as follows:

"The motion to dispense with final reading shall apply to the package of all those bills the Speaker has designated on the published agenda without amendment, motion, or debate."

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 23 ayes, 0 nays, and 26 not voting.

The Chambers amendment was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 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. Will requested a record vote on the adoption of the proposed rules change, RULE #3, as amended.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Jensen | Schellpeper | Wesely |
| Beutler | Hilgert | Matzke | Thompson | Will |
| Bruning | Hillman | Pedersen, Dw. | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Bohlke | Cudaback | Maurstad | Robinson | Tyson |
| Brashear | Engel | Peterson, C. | Schimek | Wickersham |
| Bromm | Janssen | Preister | Schmitt | Willhoft |
| Chambers | Kristensen | Robak | Stuhr | Witek |
| Crosby | | | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Brown | Hudkins | Raikes | Suttle | Wehrbein |
| Coordsen | Landis | Schrock | Vrtiska | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Dierks | Jones | Kiel | Lynch | Pederson, D. |
| Hartnett | | | | |

The proposed rules change, RULE #3, as amended, lost with 13 ayes, 21 nays, 9 present and not voting, and 6 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1130.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to medical assistance; to increase minimum wage rates for certain personal care aides; and to provide powers and duties.

**LEGISLATIVE BILL 1131.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1997; to provide an adjustment to income for pension and retirement pay; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1132.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to personal property; to amend sections 69-2302 to 69-2304, 69-2308, and 69-2311, Reissue Revised Statutes of Nebraska, section 60-105, Revised Statutes Supplement, 1996, and sections 60-106 and 60-111.01, Revised Statutes Supplement, 1997; to include mobile homes in the Disposition of Personal Property Landlord and Tenant Act; to harmonize provisions; and to repeal the original sections.

## NOTICE OF COMMITTEE HEARINGS
### Banking, Commerce and Insurance

| | | |
|---|---|---|
| LB 932 | Tuesday, January 20, 1998 | 1:30 p.m. |
| LB 1034 | Tuesday, January 20, 1998 | 1:30 p.m. |
| LB 1035 | Tuesday, January 20, 1998 | 1:30 p.m. |
| LB 1042 | Tuesday, January 20, 1998 | 1:30 p.m. |

(Signed) David M. Landis, Chairperson

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Kristensen asked unanimous consent to have his name added as cointroducer to LB 839. No objections. So ordered.

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 203 and LB 204. No objections. So ordered.

Messrs. Bromm, Lynch, Maurstad, Mmes. C. Peterson, and Thompson asked unanimous consent to have their names added as cointroducers to LB 988. No objections. So ordered.

Mrs. Hillman asked unanimous consent to have her name added as cointroducer to LB 822 and LB 937. No objections. So ordered.

## VISITORS

Visitors to the Chamber were former Senator Dennis Byars from Beatrice, Kathleen Zimmerman from Gettysburg Seminary, and Laurie Bleakley from Philadelphia Seminary.

## RECESS

At 11:43 a.m., on a motion by Mr. Coordsen, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Hillman, Robak, Witek, Messrs. Dierks, Engel, Hartnett, Janssen, D. Pederson, Robinson, Schmitt, Wehrbein, and Wesely who were excused until they arrive.

**MRS. CROSBY PRESIDING**

## UNANIMOUS CONSENT - Member Excused

Mr. Kristensen 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 1133.** Introduced by Robinson, 16; Bohlke, 33; Janssen, 15.

A BILL FOR AN ACT relating to state aid; to amend sections 79-1016 and 79-1022, Revised Statutes Supplement, 1997; to provide for lump-sum payments as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1134.** Introduced by Janssen, 15; Bromm, 23; Hartnett, 45; Hudkins, 21; Dw. Pedersen, 39; Robinson, 16; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational

Opportunities Support Act; to amend sections 79-1001, 79-1003, and 79-1010, Revised Statutes Supplement, 1997; to change provisions relating to reorganization incentives; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1135.** Introduced by Brown, 6; Hilgert, 7; Maurstad, 30; Dw. Pedersen, 39; Preister, 5; Schmitt, 41; Thompson, 14.

A BILL FOR AN ACT relating to peace officers; to adopt the Peace Officer Employer-Employee Relations Act.

**LEGISLATIVE BILL 1136.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to property tax relief; to create the County Property Tax Relief Fund; and to provide state aid to counties.

**LEGISLATIVE BILL 1137.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to health records; to require health care providers and facilities to provide certain records without charge.

## ANNOUNCEMENT

Mr. Lynch designates LB 1100 as his priority bill.

## MOTION - Adopt Permanent Rules

The Rules Committee renewed the proposed rules change, RULE #4, found on page 198, to Rule 3, Sec. 4(e).

Mr. Wickersham and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the proposed rules change, RULE #4:

In the second line, after "of", insert, "the Members of the Executive Board and"

**SPEAKER KRISTENSEN PRESIDING**

Mr. Chambers withdrew his amendment.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Will requested a record vote on the proposed rules change, RULE #4.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Lynch | Raikes | Thompson |
| Beutler | Crosby | Matzke | Robak | Wesely |
| Brashear | Kiel | Maurstad | Suttle | Will |
| Brown | Landis | Preister | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Bromm | Engel | Jensen | Robinson | Tyson |
| Chambers | Hilgert | Jones | Schmitt | Vrtiska |
| Coordsen | Hillman | Kristensen | Schrock | Wehrbein |
| Cudaback | Hudkins | Peterson, C. | Stuhr | Willhoft |
| Elmer | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Bohlke | Pedersen, Dw. | Pederson, D. | Schellpeper |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Dierks | Janssen | Schimek | Wickersham | Witek |
| Hartnett | | | | |

The Rules Committee proposed rules change, RULE #4, lost with 18 ayes, 21 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

## NOTICE OF COMMITTEE HEARINGS

### Revenue

| | | |
|---|---|---|
| LB 939 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 994 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 971 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 935 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 1054 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 993 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 1015 | Wednesday, January 21, 1998 | 1:30 p.m. |

(Signed) William R. Wickersham, Chairperson

### Education

| | | |
|---|---|---|
| LB 940 | Tuesday, January 20, 1998 | 2:30 p.m. |
| LB 1008 | Tuesday, January 20, 1998 | 2:30 p.m. |
| LB 977 | Tuesday, January 20, 1998 | 2:30 p.m. |

(Signed) Ardyce L. Bohlke, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

| LB | Committee |
|---|---|
| 1058 | Judiciary |
| 1059 | Judiciary |
| 1060 | Government, Military and Veterans Affairs |
| 1061 | Revenue |
| 1062 | Revenue |
| 1063 | Health and Human Services |
| 1064 | Transportation |
| 1065 | Judiciary |
| 1066 | Health and Human Services |
| 1067 | Judiciary |
| 1068 | Government, Military and Veterans Affairs |
| 1069 | Judiciary |
| 1070 | Health and Human Services |
| 1071 | Judiciary |
| 1072 | Health and Human Services |
| 1073 | Health and Human Services |
| 1074 | Appropriations |
| 1075 | Business and Labor |
| 1076 | Nebraska Retirement Systems |
| 1077 | Banking, Commerce and Insurance |
| 1078 | Health and Human Services |
| 1079 | Health and Human Services |
| 1082 | Education |
| 1083 | Judiciary |
| 1084 | Natural Resources |
| 1085 | Banking, Commerce and Insurance |
| 1086 | General Affairs |
| 1087 | Banking, Commerce and Insurance |
| 1088 | Banking, Commerce and Insurance |
| 1089 | Revenue |
| 1090 | Health and Human Services |
| 1091 | Health and Human Services |
| 1092 | Revenue |
| 1093 | Government, Military and Veterans Affairs |
| 1094 | Banking, Commerce and Insurance |

(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 1138.** Introduced by Vrtiska, 1; Bromm, 23; Coordsen, 32; Cudaback, 36; Hartnett, 45; Janssen, 15; Jones, 43; Schellpeper, 18; Schmitt, 41; Stuhr, 24; Tyson, 19; Willhoft, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Trustees of the Nebraska State Colleges.

**LEGISLATIVE BILL 1139.** Introduced by Robak, 22; Kiel, 9.

A BILL FOR AN ACT relating to hate crimes; to establish a task force; and to provide powers and duties.

**LEGISLATIVE BILL 1140.** Introduced by C. Peterson, 35.

A BILL FOR AN ACT relating to pharmacy; to amend sections 71-1,147.35, 71-1,147.49, 71-1,147.53, 71-1,147.55, 71-1,147.57, 71-1,147.58, 71-5402, 71-5403, 71-5404, 71-7409, and 71-7416, Reissue Revised Statutes of Nebraska; to redefine terms; to change drug dispensing, labeling, and transfer requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1141.** Introduced by Kiel, 9; Hilgert, 7; Hillman, 48; Jensen, 20; Lynch, 13; Dw. Pedersen, 39; C. Peterson, 35; Preister, 5; Robak, 22; Robinson, 16; Schimek, 27; Suttle, 10; Will, 8; Willhoft, 34.

A BILL FOR AN ACT relating to community development; to amend section 77-2701, Revised Statutes Supplement, 1997; to create a fund; to state intent; to provide duties; to authorize taxpayer contributions to a fund; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1142.** Introduced by Landis, 46; Hartnett, 45; Jensen, 20; Matzke, 47; Dw. Pedersen, 39; Preister, 5; Suttle, 10; Thompson, 14; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5023, Revised Statutes Supplement, 1997; to establish a limitation on real property tax valuation increases; to change provisions relating to the Tax Equalization and Review Commission; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 1143.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to license plates; to amend section 60-311, Revised Statutes Supplement, 1997; to change a fee for issuance of license plates; to provide an operative date; and to repeal the original section.

**MOTION - Adopt Permanent Rules**

The Rules Committee renewed the proposed rules change, RULE #5, found

on page 198, to Rule 6, Sec. 3(e).

**MR. COORDSEN PRESIDING**

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

**SPEAKER KRISTENSEN PRESIDING**

Mr. Chambers offered the following amendment to the proposed rules change, RULE #5:
After "on", insert "resolutions, appointments,"

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

Mr. Chambers withdrew his amendment.

Mr. Will asked unanimous consent to withdraw the Rules Committee proposed rules changes, RULE #5, RULE #6, RULE #7, RULE #8, RULE #9, RULE #10, RULE #11, and RULE #2, found on pages 196 through 200. No objections. So ordered.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1144.** Introduced by Robinson, 16.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,162.02, Revised Statutes Supplement, 1997; to change provisions relating to the Scrap Tire Reduction and Recycling Incentive Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1145.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 9-203 and 9-402 to 9-406, Uniform Commercial Code; to change provisions relating to financing statements; to authorize a successor of a secured party of record to sign a continuation statement, termination statement, or statement of release and to provide for retroactive application; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1146.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-247, 43-248, 43-250, 43-251, 43-254.01, 43-277.01, and 43-2,108, Revised Statutes Supplement, 1997; to change mental health provisions; to harmonize provisions; and to repeal the original sections.

## MESSAGES FROM THE SECRETARY OF STATE

January 13, 1998

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 Legislature that I have made the following appointment on October 8, 1997, requiring legislative confirmation:

> Burnell Steinmeyer, North Platte, Nebraska 69103, to the Nebraska Accountability and Disclosure Commission to complete an unexpired six year term ending October, 2003.

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: Tim Dempsey
J. L. Spray
Senator Bud Robinson

January 13, 1998

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 Legislature that I have made the following appointment on September 25, 1997, requiring legislative confirmation:

> Dawn E. Rockey, Lincoln, Nebraska 68502, to the Nebraska Accountability and Disclosure Commission to complete an unexpired six year term ending September, 2003.

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: Tim Dempsey
J. L. Spray
Senator Bud Robinson

## NOTICE OF COMMITTEE HEARINGS
### Urban Affairs

| | | |
|---|---|---|
| LB 946 | Tuesday, January 20, 1998 | 1:30 p.m. |
| LB 975 | Tuesday, January 20, 1998 | 1:30 p.m. |
| LB 991 | Tuesday, January 20, 1998 | 1:30 p.m. |

(Signed) D. Paul Hartnett, Chairperson

### Agriculture

| | | |
|---|---|---|
| LB 1046 | Tuesday, January 20, 1998 | 1:30 p.m. |

(Signed) Jim D. Cudaback, Vice Chairperson

## UNANIMOUS CONSENT - Add Cointroducer

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 341. No objections. So ordered.

## PROPOSED RULES CHANGE

Mrs. Brown, Messrs. Bromm, and Beutler offered the following proposed rules changes:

A new rule to amend Rule 7, Section 3

At any stage of debate, the Speaker, primary introducer of a bill or resolution, and the chairperson of the committee to which the bill or resolution has been referenced, may jointly move that the bill or resolution be designated for structured debate. Approval of a structured debate designation shall require a two-thirds majority vote of the elected members of the Legislature and is not debatable. For each measure given such status, the Speaker, after consultation with the primary introducer and chairperson, shall determine the scheduling of the bill or resolution, the amendments and motions to be heard, the order of amendments and motions to be considered, and the time after which cloture may be invoked on the bill or resolution. The motion to designate a bill or resolution for structured debate shall take priority over every motion or amendment pending on such measure. The designation for structured debate shall apply during the stage of debate at which the motion is made; another motion for structured debate may be offered at subsequent stages of debate. The decision on how to structure

debate shall be treated as a ruling of the Chair.

Amendment to Rule 7, Section 10

This section shall also apply if a motion for cloture is made pursuant to Rule 7 Section 3, prior to eight hours of debate or twelve hours of debate for an appropriations bill.

## AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to the proposed rules change:

To amend Brown rule change as follows:

Strike the first sentence

Mr. Beutler filed the following amendment to the proposed rules change:

To amend Brown rule change as follows:

Strike the second sentence

## MOTIONS - Print in Journal

Mr. Beutler filed the following motion to the proposed rules change:

To suspend the pertinent provisions, to include Rule 2, Sec. 10 and Rule 7, Sec. 3 and 7, of the rules and vote on the Beutler-Brown-Bromm amendment to the rules without further amendment, motion, or debate.

Messrs. Beutler and Will filed the following motion to the proposed rules change:

To suspend the pertinent provisions, to include Rule 3, Sec. 10 and Rule 7, Sec. 3 and 7, of the rules and vote on the motion to adopt permanent rules as amended without further amendment, motion, or debate.

## VISITORS

The Doctor of the Day was Lynette Kramer from Lincoln.

## ADJOURNMENT

At 3:41 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Wednesday, January 14, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# SIXTH DAY - JANUARY 14, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 14, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Dawn Stemple, Regional Minister, Christian Church (Disciples of Christ).

## ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Dierks, Landis, Robinson, Schrock, Wehrbein, Will, Mmes. Bohlke, Kiel, and Ms. Schimek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

## UNANIMOUS CONSENT - Member Excused

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

## MOTION - Adopt Temporary Rules

Mr. Willhoft moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 14, 1998.

The motion prevailed.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 305.

**MOTION - Adopt Permanent Rules**

Mrs. Brown renewed the Brown-Bromm-Beutler proposed rules changes, found on pages 285 and 286, to Rule 7, Sec. 3 and Rule 7, Sec. 10.

Mr. Vrtiska and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to bracket this proposal until January 12, 1999.

**PRESIDENT ROBAK PRESIDING**

Mrs. Brown 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 24 ayes, 0 nays, and 25 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Bromm | Engel | Matzke | Peterson, C. | Thompson |
| Brown | Hillman | Maurstad | Schellpeper | Wickersham |
| Bruning | Hudkins | Pedersen, Dw. | Schrock | Willhoft |
| Coordsen | Janssen | Pederson, D. | Stuhr | Witek |
| Elmer | Jensen | | | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Jones | Preister | Suttle |
| Bohlke | Cudaback | Landis | Schimek | Wesely |
| Chambers | Hilgert | Lynch | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Brashear | Raikes | Robinson | Tyson | Wehrbein |
| Kristensen | Robak | Schmitt | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Kiel | Vrtiska | Will |
| Dierks | | | | |

The motion to cease debate failed with 22 ayes, 13 nays, 8 present and not voting, and 6 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 1147.** Introduced by Bruning, 3; Lynch, 13.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-1306, Revised Statutes Supplement, 1997; to change eligibility criteria for specialized telecommunications equipment; and to repeal the original section.

**LEGISLATIVE BILL 1148.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1379, Reissue Revised Statutes of Nebraska, and section 77-1380, Revised Statutes Supplement, 1997; to change land manual areas for agricultural and horticultural land; to provide for the reorganization of agricultural and horticultural land valuation boards; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1149.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to occupation tax; to amend sections 21-303 and 21-329, Reissue Revised Statutes of Nebraska; to redefine a term; to eliminate obsolete provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1150.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 83-4,109 to 83-4,111 and section 83-4,123, Reissue Revised Statutes of Nebraska; to change provisions relating to adopting and promulgating rules and regulations; and to repeal the original sections.

**LEGISLATIVE BILL 1151.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.02, 60-3002, 60-3006, and 60-3007, Revised Statutes Supplement, 1997; to provide a fee for registration of motor vehicles owned by certain military personnel; to exempt such motor vehicles from taxes and fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1152.** Introduced by Schmitt, 41; Coordsen, 32; Cudaback, 36; Dierks, 40; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to counties; to amend sections 23-114, 23-114.03, and 23-174.10, Reissue Revised Statutes of Nebraska; to provide for interim zoning measures and powers; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1153.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; C. Peterson, 35; Raikes, 25; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-123, 77-202.03, 77-623, 77-802.01, 77-1214, and 77-1504, Revised Statutes Supplement, 1997; to redefine a term; to change application procedures; to change levy procedures for centrally accessed property; to provide for a lien for personal property taxes; to change an assessment provision; to eliminate a refund provision; to provide an operative date; to repeal the original sections; to outright repeal section 77-1736.08, Revised Statutes Supplement, 1997; and to declare an emergency.

**LEGISLATIVE BILL 1154.** Introduced by Stuhr, 24; Beutler, 28; Bromm, 23; Bruning, 3; Coordsen, 32; Hudkins, 21; Janssen, 15; Jones, 43; C. Peterson, 35; Robinson, 16; Schellpeper, 18; Schmitt, 41; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to natural resources; to amend section 2-2634, Reissue Revised Statutes of Nebraska; to adopt the Buffer Strip Act; to change provisions relating to pesticide registration fees; to create a fund; and to repeal the original section.

**LEGISLATIVE BILL 1155.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2701, Revised Statutes Supplement, 1997; to provide an exemption for the sale of clothing to nonprofit charitable organizations; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1156.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to judicial nominating commissions; to amend section 24-806, Reissue Revised Statutes of Nebraska; to change nomination provisions; and to repeal the original section.

**LEGISLATIVE BILL 1157.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to cities and villages; to amend section 17-225, Reissue Revised Statutes of Nebraska, and section 17-101, Revised Statutes Supplement, 1996; to prohibit railroads from obstructing highways in cities of the first and second class and villages; to provide penalties; to provide an exemption; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 1158.** Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to appropriations; to amend section 49-905, Reissue Revised Statutes of Nebraska; to change provisions relating to

reimbursement for members of the Commission on Uniform State Laws; to change membership provisions; and to repeal the original section.

**LEGISLATIVE BILL 1159.** Introduced by Matzke, 47; D. Pederson, 42; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-1007.01 and 79-1007.02, Revised Statutes Supplement, 1997; to change provisions relating to adjusted formula membership; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1160.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Revised Statutes Supplement, 1997; to change provisions relating to freeholders' petitions; and to repeal the original section.

**LEGISLATIVE BILL 1161.** Introduced by Bromm, 23; Beutler, 28; Bohlke, 33; Bruning, 3; Elmer, 44; Preister, 5; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to remedial actions; to amend sections 66-1519, 66-1522, 66-1523, 66-1525, 66-1529.01, and 66-1529.02, Reissue Revised Statutes of Nebraska, sections 81-15,189 and 81-15,190, Revised Statutes Supplement, 1996, and sections 66-1518 and 66-1521, Revised Statutes Supplement, 1997; to change petroleum release remedial action reimbursement, fees, and the technical advisory committee provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1162.** Introduced by Landis, 46; Wesely, 26.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5401, 44-5402, and 44-5409 to 44-5414, Reissue Revised Statutes of Nebraska, and sections 44-6801, 44-6802, 44-6820, and 44-6823, Revised Statutes Supplement, 1997; to adopt the Health Care Professional Credentialing Verification Act, the Managed Care Plan Network Adequacy Act, the Quality Assessment and Improvement Act, and the Health Carrier Grievance Procedure Act; to rename the Utilization Review Certification Act and the Managed Care Patient Protection Act; to harmonize provisions; to provide severability; and to outright repeal sections 44-5403 to 44-5408 and 44-5415, Reissue Revised Statutes of Nebraska, and sections 44-6803 to 44-6819, 44-6821, 44-6822, and 44-6824, Revised Statutes Supplement, 1997.

## ANNOUNCEMENT

Mr. Hilgert designates LB 225 as his priority bill.

## NOTICE OF COMMITTEE HEARINGS
## Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 905 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 951 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 964 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 965 | Wednesday, January 21, 1998 | 1:30 p.m. |

(Signed) C. N. "Bud" Robinson, Chairperson

## Health and Human Services

| | | |
|---|---|---|
| LB 953 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 1016 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 912 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 948 | Wednesday, January 21, 1998 | 1:30 p.m. |

Wednesday, January 21, 1998 1:30 p.m.
Dr. Charles Andrews - Chief Medical Officer, Health and Human Services
Gina Dunning - Director, Health and Human Services, Regulation and Licensure
Andrea Nelson - State Board of Health

(Signed) Don Wesely, Chairperson

## MOTION - Adopt Permanent Rules

The Chambers motion, found in this day's Journal, to bracket the Brown-Bromm-Beutler proposed rules changes until January 12, 1999, was renewed.

Messrs. Wesely and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1163.** Introduced by Suttle, 10; Crosby, 29; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend sections 71-1,132.01 and 79-801, Reissue Revised Statutes of Nebraska; to require school nurses; to harmonize provisions; to give a duty to the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1164.** Introduced by Maurstad, 30; Hilgert, 7;

Tyson, 19.

A BILL FOR AN ACT relating to insurance; to provide requirements for contracts between independent insurance agents and property and casualty insurance companies.

**LEGISLATIVE BILL 1165.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Drug Product Selection Act; to amend sections 71-5402 and 71-5408, Reissue Revised Statutes of Nebraska; to prohibit drug product selection for certain products; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1166.** Introduced by Stuhr, 24; Crosby, 29; Hudkins, 21; Schimek, 27; Suttle, 10; Witek, 31.

A BILL FOR AN ACT relating to tattooing and body piercing; to amend section 28-101, Revised Statutes Supplement, 1997; to define terms; to prohibit the performance of tattooing and body piercing on minors as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1167.** Introduced by Robinson, 16.

A BILL FOR AN ACT relating to petitions; to amend section 32-1409, Revised Statutes Supplement, 1997; to change provisions relating to the verification of signatures and other information on initiative and referendum petitions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1168.** Introduced by Dierks, 40; Coordsen, 32; Hudkins, 21; Jones, 43; Schellpeper, 18; Schmitt, 41; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to livestock; to amend section 54-201, Reissue Revised Statutes of Nebraska; to change provisions relating to agister's liens; and to repeal the original section.

## ANNOUNCEMENTS

Mr. Schmitt designates LB 1152 as his priority bill.

Mr. Elmer designates LB 1161 as his priority bill.

## NOTICE OF COMMITTEE HEARINGS
### Judiciary

| | | |
|---|---|---|
| LB 917 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 959 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 1003 | Wednesday, January 21, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 1038 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 1083 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 1065 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 1067 | Wednesday, January 21, 1998 | 1:30 p.m. |
| | | |
| LB 926 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 966 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 1018 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 1029 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 1051 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 950 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 958 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 969 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 970 | Thursday, January 22, 1998 | 1:30 p.m. |
| | | |
| LB 960 | Friday, January 23, 1998 | 1:30 p.m. |
| LB 1021 | Friday, January 23, 1998 | 1:30 p.m. |
| LR 303CA | Friday, January 23, 1998 | 1:30 p.m. |
| LR 310CA | Friday, January 23, 1998 | 1:30 p.m. |
| LB 1069 | Friday, January 23, 1998 | 1:30 p.m. |

(Signed) Kermit A. Brashear, Chairperson

**General Affairs**

| | | |
|---|---|---|
| LB 928 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 941 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 999 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 1022 | Monday, January 26, 1998 | 1:30 p.m. |

(Signed) Stan Schellpeper, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 1061, LB 1062, and LB 1109. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Don and Janice Scholl from Fairbury; and Mrs. G. R. Woods, Mrs. Helen Nacoste, and Gilbert Mitchell from Omaha.

**RECESS**

At 11:46 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bruning, Dierks, Hartnett, Janssen, Landis, Lynch, Raikes, Robinson, Schmitt, Schrock, Tyson, Wehrbein, Wickersham, Will, Mmes. Bohlke, Kiel, C. Peterson, and Robak who were excused until they arrive.

## ATTORNEY GENERAL'S OPINION

Opinion No. 98003

| | |
|---|---|
| DATE: | January 9, 1998 |
| SUBJECT: | Constitutionality of Legislative Bill 650 Providing for Supplemental Retirement Benefits |
| REQUESTED BY: | Senator D. Paul Hartnett<br>Nebraska State Legislature |
| WRITTEN BY: | Don Stenberg, Attorney General<br>Fredrick F. Neid, Assistant Attorney General |

You have inquired concerning the constitutionality of Legislative Bill 650 introduced in the 1997 legislative session. LB 650 would amend the provisions of the Nebraska State Patrol Retirement Act, Neb. Rev. Stat. §§ 81-2014 to 81-2036 (1994, Cum. Supp. 1996, and Supp. 1997), to provide supplemental retirement benefits for certain retired state patrol officers or surviving spouses in an amount equal to 3 percent for the years 1985 through 1991.

From a constitutional viewpoint, an increase in retirement benefit amounts for retired public employees is viewed in the context of whether the supplemental benefit for certain retired employees would constitute special legislation in violation of Article III, § 18, of the Nebraska Constitution; and, secondly, whether the benefit increase would constitute a gratuity in violation of Article III, § 19, of the Nebraska Constitution.

### SPECIAL LEGISLATION

Neb. Const. art. III, § 18 states in particular part:

> 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 constitutes special legislation under this constitutional provision if the act (1) creates an arbitrary and unreasonable method of classification or (2) creates a permanently closed class. ***See City of Ralston v. Balka***, 247 Neb. 773, 530 N.W.2d 594 (1995); ***Henry v. Rockey***, 246 Neb. 398, 518 N.W.2d 658 (1994). Accordingly, the **first** inquiry is whether the provisions of LB 650 would create an arbitrary and unreasonable method of classification.

The purpose of LB 650 is to provide supplemental retirement benefits for a class of retirees under the State Patrol Retirement Act. We generally believe the classification is reasonable since the Legislature is accorded broad discretion as to the conditions of public employment and as to requirements, classifications, contributions to, and benefits conferred by a retirement act. ***See Gossman v. State Employees Retirement System***, 177 Neb. 326, 129 N.W.2d 97 (1964).

The **second** inquiry is whether the legislative act would establish a permanently closed class. It is our view that the class of retirees to be benefited constitutes a permanently closed class and, therefore, unconstitutional special legislation. The class to be created is closed in the sense that only those retirees who retired prior to December 31, 1991, would receive the increased benefit amount. The Nebraska Supreme Court has long held that:

> The rule appears to be settled by an almost unbroken line of decisions that a classification which limits the application of the law to a present condition, **and leaves no room or opportunity for an increase in the numbers of the class by future growth or development, is special**, and a violation of the constitution above quoted. . . .

***Haman v. Marsh***, 237 Neb. 699, 716, 467 N.W.2d 836, 848 (1991) [citing ***City of Scottsbluff v. Tiemann***, 185 Neb. 256, 262, 175 N.W.2d 74, 79 (1970) (quoting ***State v. Kelso***, 92 Neb. 628, 139 N.W.2d 226 (1912)]. (Emphasis added).

For this reason, it is our conclusion that LB 650 is constitutionally suspect as special legislation offensive to Neb. Const. art. III, § 18.

## GRANTING OF EXTRA COMPENSATION

The granting of a retirement or pension benefit where no part of the service was rendered subsequent to the enactment of the law is a gratuity in violation of Neb. Const. art. III, § 19. ***Retired City Civilian Employees Club v. City of Omaha Ret. Sys.***, 199 Neb. 507, 260 N.W.2d 472 (1977); ***Gossman v. State Employees Retirement System***. However, adjustments to retirement benefits of public employees to reflect cost of living and wage changes are constitutionally permissible. In relevant part, Article III, § 19, states:

> The Legislature shall never grant any extra compensation to any public officer, agent or servant after the services have been rendered . . . **except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement**. . . .

(Emphasis supplied).

Adjustments that are based on changes in the cost of living and wage levels are not offensive to this constitutional provision. However, it is problemsome that the provisions of LB 650 purport to provide increases to reflect changes in the cost of living and wage levels equal to 3 percent for certain specified years. The provisions of the bill do not define the term "cost of living," and the adjustments are not expressly based on a specific cost of living index. This office has previously concluded that "the percentage of increase implemented would necessarily be based on a cost of living index." ***See*** Ops. Att'y Gen. 93020 (1993) and 97026 (1997).

It does not appear, or at least it cannot be readily ascertained, whether the percentage increases are based on increases that have occurred in the cost of living and wage levels as measured by a consumer price index. Thus, the adjustments would be gratuitous in the absence of any showing that the adjustment amounts are tied to a cost of living index. Accordingly, we believe the provisions of LB 650 are constitutionally suspect as offensive to Neb. Const. art. III, § 19.

You also request that the Attorney General "provide some guidance on steps which might be taken to cure any potential constitutional defects. . . ." As we pointed out above, the legislative act should not create a permanently closed class. As the Nebraska Supreme Court has concluded, the class created should have room for future growth or opportunity for an increase in numbers. An open class would not constitute special legislation.

In other respects, any increase in benefits, after services are rendered, should be tied to a consumer price index. We point out that provisions of the State Patrol Retirement Act include benefit adjustments that are based on a consumer price index. ***See*** Neb. Rev. Stat. § 81-2027 (1994). We refer you to this statutory provision **only** because benefit adjustments are tied to increases determined by a consumer price index.

You have also inquired whether "any potential constitutional defects in LB 650 call into question the validity of the earlier legislation?" The earlier legislation you refer to is Neb. Rev. Stat. § 81-2035 (1994) which includes provisions similar to LB 650. Generally, we decline to respond to legislative inquiries regarding the constitutionality of statutes as a matter of policy. ***See*** Op. Att'y Gen. No. 157 (1985).

Sincerely yours,

DON STENBERG
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

21-04-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills, resolution, appointments, and rereferral of LB 1059:

| LB | Committee |
|---|---|
| 1059 | Government, Military and Veterans Affairs |
| 1080 | Government, Military and Veterans Affairs |
| 1081 | Appropriations |
| 1095 | Health and Human Services |
| 1096 | Health and Human Services |
| 1097 | General Affairs |
| 1098 | General Affairs |
| 1099 | Revenue |
| 1100 | Appropriations |
| 1101 | Government, Military and Veterans Affairs |
| 1102 | Judiciary |
| 1103 | Education |
| 1104 | Revenue |
| 1105 | Appropriations |
| 1106 | Appropriations |
| 1107 | Appropriations |
| 1108 | Appropriations |
| 1109 | Revenue |
| 1110 | Appropriations |
| 1111 | Banking, Commerce and Insurance |
| 1112 | Banking, Commerce and Insurance |
| 1113 | General Affairs |
| 1114 | Revenue |
| 1115 | Judiciary |
| 1116 | Revenue |
| 1117 | Judiciary |
| 1118 | Appropriations |
| 1119 | Revenue |
| 1120 | Government, Military and Veterans Affairs |
| 1121 | Education |
| 1122 | Government, Military and Veterans Affairs |
| 1123 | Education |
| 1124 | Education |
| 1125 | Natural Resources |

1126 Natural Resources
1127 Judiciary
1128 Banking, Commerce and Insurance
1129 Government, Military and Veterans Affairs
1130 Health and Human Services
1131 Revenue
1132 Transportation

**LR Committee**
315CA Revenue

Rockey, Dawn E. - Nebraska Accountability and Disclosure Commission -- Government, Military and Veterans Affairs

Steinmeyer, Burnell - Nebraska Accountability and Disclosure Commission -- Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

**MRS. CROSBY PRESIDING**

**MOTION - Adopt Permanent Rules**

The Chambers pending motion, found in this day's Journal, to bracket the Brown-Bromm-Beutler proposed rules changes until January 12, 1999, was renewed.

Messrs. Kristensen, Janssen, and Dw. Pedersen 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 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Jones | Pederson, D. | Stuhr |
| Bromm | Hilgert | Kiel | Peterson, C. | Thompson |
| Brown | Hillman | Landis | Robinson | Wesely |
| Coordsen | Hudkins | Matzke | Schellpeper | Willhoft |
| Cudaback | Jensen | Maurstad | Schrock | Witek |
| Elmer | | | | |

Voting in the negative, 2:

| | |
|---|---|
| Chambers | Vrtiska |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Brashear | Preister | Schimek | Suttle | Wickersham |
| Crosby | | | | |

Excused and not voting, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kristensen | Raikes | Tyson |
| Bohlke | Hartnett | Lynch | Robak | Wehrbein |
| Bruning | Janssen | Pedersen, Dw. | Schmitt | Will |

The motion to cease debate prevailed with 26 ayes, 2 nays, 6 present and not voting, and 15 excused and not voting.

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 6:

| | | | | |
|---|---|---|---|---|
| Coordsen | Cudaback | Schimek | Wickersham | Willhoft |
| Crosby | | | | |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Hilgert | Landis | Peterson, C. | Stuhr |
| Brashear | Hillman | Lynch | Preister | Suttle |
| Bromm | Hudkins | Matzke | Robinson | Thompson |
| Brown | Jensen | Maurstad | Schellpeper | Wesely |
| Elmer | Jones | Pederson, D. | Schrock | Witek |
| Engel | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Kiel | Raikes | Vrtiska |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kristensen | Schmitt | Wehrbein |
| Bohlke | Hartnett | Pedersen, Dw. | Tyson | Will |
| Bruning | Janssen | Robak | | |

The Chambers motion to bracket failed with 6 ayes, 26 nays, 4 present and not voting and 13 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to reconsider the motion to bracket the Brown et al. proposed rules changes.

Mr. Jones and Mrs. Hillman 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?"

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Landis | Preister | Thompson |
| Beutler | Elmer | Lynch | Robinson | Tyson |
| Brashear | Engel | Matzke | Schimek | Vrtiska |
| Bromm | Hilgert | Maurstad | Stuhr | Wickersham |
| Brown | Hudkins | Pederson, D. | Suttle | Witek |
| Coordsen | Jensen | Peterson, C. | | |

Voting in the negative, 1:

Chambers

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Bruning | Raikes | Schrock | Wesely | Willhoft |
| Crosby | Schellpeper | | | |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hillman | Kiel | Robak | Wehrbein |
| Dierks | Janssen | Kristensen | Schmitt | Will |
| Hartnett | Jones | Pedersen, Dw. | | |

The motion to cease debate prevailed with 28 ayes, 1 nay, 7 present and not voting, and 13 excused and not voting.

Messrs. Schellpeper and Wesely 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, 2 nays, and 31 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Mr. Maurstad requested the roll call vote be taken in reverse order.

Voting in the affirmative, 4:

| | | | |
|---|---|---|---|
| Chambers | Robak | Tyson | Willhoft |

Voting in the negative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Jensen | Pedersen, Dw. | Suttle |
| Beutler | Cudaback | Kiel | Pederson, D. | Thompson |
| Brashear | Elmer | Landis | Peterson, C. | Wesely |
| Bromm | Engel | Lynch | Robinson | Wickersham |
| Brown | Hilgert | Matzke | Schrock | Witek |
| Bruning | Hudkins | Maurstad | Stuhr | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Crosby | Preister | Raikes | Schimek | Vrtiska |

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hillman | Jones | Schellpeper | Wehrbein |
| Dierks | Janssen | Kristensen | Schmitt | Will |
| Hartnett | | | | |

The Chambers motion to reconsider failed with 4 ayes, 29 nays, 5 present and not voting, and 11 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.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1169.** Introduced by Elmer, 44.

A BILL FOR AN ACT relating to schools; to amend sections 13-508 and 79-1083, Reissue Revised Statutes of Nebraska, and section 79-1024, Revised Statutes Supplement, 1997; to change provisions relating to Class I school district budgets; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 1170.** Introduced by Elmer, 44.

A BILL FOR AN ACT relating to use of scrap tires; to amend sections 81-15,159.02, 81-15,161.01, and 81-15,162.02, Revised Statutes Supplement, 1997; to change provisions relating to tire-derived fuel; to define a term; to change provisions relating to disbursements; and to repeal

the original sections.

**LEGISLATIVE BILL 1171.** Introduced by Hilgert, 7; Suttle, 10.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1202, 37-1213, 37-1224, 37-1225, 37-1228, 37-1231, 37-1241, 37-1248 to 37-1250, 37-1264, and 37-1268 to 37-1271, Reissue Revised Statutes of Nebraska, and section 37-1291, Revised Statutes Supplement, 1996; to change provisions relating to personal watercraft; to define a term; to require boating safety courses for certain operators; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1172.** Introduced by Schrock, 38; Bromm, 23; Cudaback, 36; Raikes, 25; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend section 66-1345.01, Reissue Revised Statutes of Nebraska; to eliminate grain checkoff provisions; to harmonize provisions; to repeal the original section; and to outright repeal sections 2-2312, 2-3628, 2-3756, and 2-4013, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1173.** Introduced by Raikes, 25; Beutler, 28; Brown, 6; Crosby, 29; Hudkins, 21; Landis, 46; Maurstad, 30; Schimek, 27; Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for a center for excellence in electronics; and to declare an emergency.

**LEGISLATIVE BILL 1174.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 23-3202, 77-366, 77-369, 77-375, 77-376, 77-1327, 77-1330, 77-1334, 77-3906, 81-101, and 81-102, Reissue Revised Statutes of Nebraska, sections 49-506 and 49-617, Revised Statutes Supplement, 1996, and sections 60-305.15, 60-3005, 77-370, 77-417, 77-421, 77-603.01, 77-605, 77-683, 77-684, 77-803, 77-804, 77-1247, 77-1250, 77-1342, and 77-5012, Revised Statutes Supplement, 1997; to change and eliminate provisions relating to the Property Tax Administrator and property tax division of the Department of Revenue; to create a department; to rename a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 77-365.01, 77-371, and 77-1336, Reissue Revised Statutes of Nebraska, and sections 77-375.01, 77-425, and 77-1325, Revised Statutes Supplement, 1997; and to declare an emergency.

## NOTICE OF COMMITTEE HEARING
## Natural Resources

| | | |
|---|---|---|
| LB 963 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 1004 | Wednesday, January 21, 1998 | 1:30 p.m. |
| LB 1084 | Wednesday, January 21, 1998 | 1:30 p.m. |

(Signed) Chris Beutler, Chairperson

## MOTION - Adopt Permanent Rules

The Brown-Bromm-Beutler pending proposed rules changes, found on pages 285 and 286, to Rule 7, Sec. 3 and Rule 7, Sec. 10, was renewed.

Mr. Beutler renewed his first pending amendment, found on page 286, to the Brown et al. proposed rules changes.

Mr. Beutler asked unanimous consent to replace his pending amendment with a substitute amendment.

Mr. Chambers objected.

Mr. Beutler moved to replace his pending amendment with a substitute amendment.

Mr. Vrtiska and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler motion to substitute prevailed with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

Mr. Beutler withdrew his first amendment found on page 286.

Mrs. Brown offered the following substitute amendment:
Amend the Brown amendment as follows:
1. In the third sentence after the word "chairperson" add "and all senators who notify the speaker of an interest"
2. In the third sentence after the first word "resolution" strike the words "the amendments and motions to be heard" and add the word "and"

Mr. Chambers requested a division of the question on the Brown amendment.

The Chair sustained the division of the question.

The first Brown amendment is as follows:

1. In the third sentence after the word "chairperson" add "and all senators who notify the speaker of an interest"

Mrs. Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers requested a record vote on the first Brown amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Bruning | Hillman | Pedersen, Dw. | Schrock |
| Bohlke | Crosby | Jensen | Peterson, C. | Suttle |
| Brashear | Elmer | Jones | Preister | Wehrbein |
| Bromm | Engel | Matzke | Robinson | Wesely |
| Brown | Hilgert | Maurstad | Schellpeper | Witek |

Voting in the negative, 1:

Chambers

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Landis | Raikes | Stuhr | Wickersham |
| Cudaback | Lynch | Robak | Tyson | Willhoft |
| Hudkins | Pederson, D. | Schimek | | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Coordsen | Hartnett | Kiel | Schmitt | Vrtiska |
| Dierks | Janssen | Kristensen | Thompson | Will |

The first Brown amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Ms. Schimek and Mr. Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

The second Brown amendment is as follows:
2. In the third sentence after the first word "resolution" strike the words "the amendments and motions to be heard" and add the word "and"

Pending.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1175.** Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Brashear, 4; Raikes, 25; Stuhr, 24; Suttle, 10;

Wickersham, 49; Willhoft, 34.

A BILL FOR AN ACT relating to schools; to amend sections 72-801, 79-213, 79-321, 79-452, 79-741, 79-1020, 79-1021, 79-1023, 79-1025, 79-1027, 79-1028, 79-1030, 79-1067, 79-1090, 79-1112, 79-1212, 79-1213, and 79-1215, Reissue Revised Statutes of Nebraska, section 43-2515, Revised Statutes Supplement, 1996, and sections 29-2264, 79-241, 79-245, 79-413, 79-447, 79-1003, 79-1005.01, 79-1007.02, 79-1008.01, 79-1008.02, 79-1009, 79-1010, 79-1015.01, 79-1018.01, 79-1022, 79-1026, 79-1029, 79-1031, 79-1032, 79-1033, 79-1036, 79-1065, 79-1070, 79-1083.02, 79-1083.03, 79-1084, 79-1089, 79-1110, 79-1132, 79-1142, 79-1185, and 79-1202, Revised Statutes Supplement, 1997; to change provisions relating to probation, federal medicaid funds, school closing, the assistant commissioner of education in charge of vocational education, and creation and merger of educational service units; to define and redefine terms; to change provisions and eliminate obsolete provisions relating to state aid to schools and school budgets; to eliminate a termination date and statements of legislative intent related to special education; to eliminate duties of the Special Education Accountability Commission; to eliminate provisions relating to the Nebraska School for the Deaf and membership in educational service units; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 79-1012, 79-1019, 79-1199, 79-11,101, 79-11,104, 79-11,105, 79-11,107, 79-11,108, and 79-1214, Reissue Revised Statutes of Nebraska, and sections 79-1005, 79-1007, 79-1008, 79-1011, 79-1014, 79-1015, 79-1017, 79-1018, 79-1181, 79-1184, 79-1187, 79-11,100, 79-11,102, 79-11,103, 79-11,106, and 79-1203, Revised Statutes Supplement, 1997.

**LEGISLATIVE BILL 1176.** Introduced by Bruning, 3; Brashear, 4; Kiel, 9; Raikes, 25; Schimek, 27; Suttle, 10; Thompson, 14; Witek, 31; at the request of the Governor.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Quality Work Force Academic Loan Program Act.

**LEGISLATIVE BILL 1177.** Introduced by Abboud, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2714.01, Reissue Revised Statutes of Nebraska; to redefine residency for purposes of income taxation; to provide an operative date; and to repeal the original section.

## ANNOUNCEMENT

Mr. Bruning designates LB 1176 as his priority bill.

## REVISED REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 12,

1998, 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

Adams Jr., Donald D. - Lincoln; Nebraskans First, Inc.
Adams, John H. - Omaha; International Gamco, Inc.; Oasis Technologies, 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
Arfmann, William W. - Lincoln; Nebraska Association of Public Employees, AFSCME Local 61
Ashley, Thomas M.D. - Lincoln; Lincoln Benefit Life Company
Baack, Dennis G. - Lincoln; Nebraska Community College Association
Bare, Larry - Lincoln; Mayor Mike Johanns
Barnett, Linda - Lincoln; YMCA'S of Nebraska
Beattie, George - Lincoln; Nebraska Bankers Association
Becker, David J. - Omaha; Nebraska Geological Society
Beermann, Allen J. - Lincoln; Nebraska Press Association
Benson, Lorrie B. - Lincoln; Association of Nebraska Community Action Agencies
Bleich, Walt - Lincoln; Nebraska Citizen Action Network
Bligh, Robert - Lincoln; Nebraska Association of School Boards
Boldt, G. Randy - Omaha; Blue Cross & Blue Shield of Nebraska; HMO Nebraska, Inc.
Bonaiuto, John A. - Lincoln; Nebraska Association of School Boards
Bovee, Phyllis - Lincoln; American Association of Retired Persons
Brandt, Henry T. - Lincoln; Bailey-Lauerman & Associates Inc.
Brown, Vincent D. - Lincoln; American Petroleum Institute
Butler, Richard J. - Lincoln; Nebraska Mortgage Association
Butler, Terri Mecham - Lincoln; United Cerebral Palsy of Nebraska
Byrd, Eric - Lincoln; Nebraska Health Care Association
Cannon, Jonathan D. - Lincoln; Lincoln Benefit Life Company
Carlson, Karen A. - Lincoln; U S WEST Communications
Carpenter, Rex - Lincoln; Nebraska Rural Electric Association
Cavanaugh, James P. - Omaha; Creighton University; Explore Information Services; Independent Insurance Agents of Nebraska; Nebraska District Judges Association; Nebraska Fraternal Order of Police
Cederberg, John E. - Lincoln; Limited Liability Company Association
Cheloha, John A. "Jack" - Omaha; City of Omaha
Childers, Paula J. - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
Christiansen, Craig R. - Lincoln; Nebraska State Education Association
Clark, Douglas R. - Omaha; UtiliCorp United
Clayburn, Neal - Lincoln; Lincoln Education Association

Cline, Williams, Wright, Johnson & Oldfather
Buntain, David R. - Lincoln; Nebraska Medical Association
Campbell, Mary M. - Lincoln; City of Lincoln; Educational Service Units Administrators Association; Lincoln Public Schools; Nebraska Beer Wholesalers Association; Nebraska Cable Communications Association; Nebraska Health Care Association; Nebraska Medical Association; Nebraska Wholesale Liquor Distributors Association; Regions I, II, & V; State Troopers Association of Nebraska, Inc.; University of Nebraska
Pallesen Jr., Charles M. - Lincoln; Madonna Rehabilitation Hospital; Nebraska Medical Association; University of Nebraska
Peterson, Alan E. - Lincoln; Central Interstate Low-Level Radioactive Waste Commission; Media of Nebraska, Inc.
Renner, Shawn D. - Lincoln; Media of Nebraska, Inc.
Counts, Barry A. - St. Paul, MN; Sprint/Local Telecommunications Division
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
Cuca Jr., Ralph "Bud" - Lincoln; Nebraska Motor Carriers Association
Cunningham, James R. - Lincoln; Nebraska Catholic Conference
Cutshall & Associates
Cutshall, Bruce A. - Lincoln; Arapahoe Feed Mill, Inc./7-11 Pork Food, Inc.; Board of Trustees of Nebraska State College Systems; Bryan Memorial Hospital; Carter-Wallace, Inc.; Community Lottery System, Inc.; Lincoln Medical Education Foundation; Metropolitan Utilities District of Omaha; 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; Nebraska County Attorneys Association; Nebraska Dietetic Association; Nebraska Financial Services Association; Nebraska Public Power District; Nebraska Railroad Association; Nebraska Rural Community Schools Association; Nebraska Thoroughbred Breeders' Association; Nebraska Water Coalition; Pfizer Inc.; Ruth & Mueller Law Firm; Southern Nebraska Rural Public Power District; U.S. BANCORP
Nowka, Trent P. - Lincoln; Cutshall & Associates
DeCamp Legal Services, P.C.
DeCamp, John W. - Lincoln; Nebraska Chiropractic Physicians Association; Veterans of Foreign Wars
Dibbern, Chris M. - Lincoln; Municipal Energy Agency of Nebraska (MEAN); Nebraska Municipal Power Pool (NMPP Energy); Nebraska Public Gas Agency (NPGA)
Dobler, James B. - Lincoln; Farmers Mutual Insurance Co. of Nebraska
Dobras, Victor E. - St. Paul, MN; Sprint/United Telephone
Earl-Bleich, Christine J. - Lincoln; Nebraska Citizen Action

Edson, Dean E. - Lincoln; Nebraska Association of Resources Districts
Ellerbee, Don - Hastings; Nebraska Funeral Directors Association; Nebraska Veterinary Medical Association
Elliott, Joseph W. - Boys Town; Professional Insurance Agents of Nebraska
Engel, Michelle L. - Lincoln; AT&T
Eret, Don - Dorchester; Supporters of Nebraska Tractor Testing Laboratory
Erickson, Julie S. - Lincoln; American Communications Group, Inc.; Peru State College Foundation
Evans, Eric A. - Lincoln; Nebraska Advocacy Services, Inc.
Falk, Cecilia - Lincoln; Plumbing-Heating-Cooling Contractors of Nebraska
Ferdinand, L. Rene' - Lincoln; The ARC of Nebraska
Ferrell, Beth Bazyn - Lincoln; Nebraska Association of County Officials
Fischer, David B. - Omaha; Union Pacific Railroad
Flannery, John S. - Des Moines, IA; GTE
Fleming, Richard L. - Lincoln; American Association of Retired Persons
Fraizer, T. J. - Lincoln; American Insurance Association; Mutual of Omaha Insurance Companies
Frazier, Lawrence A. - Lincoln; Farmers Mutual Company of Nebraska
Funk, Christine - Lincoln; Planned Parenthood of Lincoln
Gady, Richard L. - Omaha; ConAgra, Inc.
Garrison, Elaine - Lincoln; American Association of Retired Persons
Gilbertson, Korby M. - Lincoln; Walter H. Radcliffe of Radcliffe & Associates
Giles, Lorraine M. - Omaha; American Association of Retired Persons
Gingery, Robert O. - Lincoln; American Association of Retired Persons
Goc, John J. - Lincoln; Class I's United; Friends of Rural Education; Nebraska Lottery Operators, Inc.; Niobrara Valley Conference; Safety Warning Systems, L. C.; Save Our Schools
Golden, Jeffrey S. - Lincoln; Boys and Girls Home of Nebraska
Gordon, James E. - Lincoln; DeHart & Darr Associates
Graham, Ronald - Blue Springs, MO; Novartis Pharmaceuticals Corporation
Graves Jr., Eugene J. - Omaha; Metro Omaha Builders Association
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; Family Planning Council of Nebraska; Planned Parenthood of Omaha/Council Bluffs
Hallstrom, Robert/Brandt Horan Hallstrom Sedlacek
Hallstrom, Robert J. - Lincoln; National Federation of Independent Business; Nebraska Bankers Association; Nebraska Pharmacists Association; NETWORKS, INC.
Hansen, John K. - Lincoln; Nebraska Farmers Union
Hansen, JoAnn - Lincoln; Norris Public Power District; US Ecology
Harding, William A. - Lincoln; League of Nebraska Municipalities
Harris, Nance - Lincoln; Nebraska Motor Carriers Association
Hartley, Richard - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)

Hartley, Shirley - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
Harvey, William F. - Omaha; Big Red Keno Ltd.
Head, Craig J. - Lincoln; Nebraska Farm Bureau Federation
Hedman, Gary - Grand Island; Southern Nebraska Rural Public Power District
Herrin, Sally J. - Lincoln; Nebraska Farmers Union
Hiatt, Loren D. - Lincoln; AT&T
Hogrefe, Raymond H. - Lincoln; National Association Retired Federal Employees, Nebraska Federation
Hoke, Fred A. - Lincoln; Christian Science Committee on Publication for Nebraska
Holmquist, David W. - Lincoln; American Cancer Society
Holmquist, Jay - Lincoln; Nebraska Rural Electric Association
Hood, Jane Renner - Lincoln; Nebraska Humanities Council
Horne, Virgil L. - Lincoln; Lincoln Public Schools
Huff Jr., Walt - Lincoln; Associated General Contractors, Nebraska Chapter
Hullet, Kelvin L. - Lincoln; Lincoln Chamber of Commerce
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 & Services for the Aging; Nebraska Association of Nurse Anesthetists; Nebraska Association of Private Resources; Nebraska Dental Hygienists' Association; Nebraska Optometric Association; Nebraska Podiatric Medical Association; Philip Morris Management Corp. on behalf of Philip Morris Incorporate
Jensen, Abigail M. - Blair; Great Plains Communications
Jensen, S. Michael - Blair; Great Plains Communications
Jewell, Jan - Lincoln; DeCamp Legal Services, P.C.
Johnson, DeMaris - Lincoln; Nebraska County Attorneys Association
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 Association of Schools; Nebraska School Finance Coalition
Kearney, James L. - Lincoln; Nebraska Geological Society
Keetle, Roger S. - Lincoln; Nebraska Association of Hospitals & Health Systems
Kennedy, Barry L. - Lincoln; Nebraska Chamber of Commerce & Industry
Kennedy, Christopher R., Ph.D. - Omaha; Nebraska Credit Union League, Inc.
Kevil, G. Bruce - Lincoln; Nebraska State Home Builders Association
King, Gabrielle - Wilmington, DE; DuPont
Kissel/E&S Associates, L.L.C.
  Kissel, Gordon - Lincoln; Alegent Health; Amoco; Erickson & Sederstrom, P.C.; Greater Omaha Packing Company; Lancaster County Board of Commissioners; Lincoln Electric System; Nebraska Cooperative Council; Nebraska Glass Association; Nebraska Goodwill

Industries; Nebraska Independent Telephone Association; Nebraska Investment Finance Authority; Nebraska Land Improvement Contractors; Refractory Users Coalition; West Telemarketing

Knapp, Patricia, A. - Lincoln; Boyd County Monitoring Committee

Krannawitter, Brian - Lincoln; American Heart Association

Kratz, Dean G. - Omaha; Nebraska Building Chapter Associated General Contractors; Nebraska League of Savings Institutions

Krivosha, Norman M. - Lincoln; Ameritas Life Insurance Corporation and its subsidiaries

Krueger, Gayle E. - Lincoln; AIA Nebraska

Krumland, Gary G. - Lincoln; League of Nebraska Municipalities

Kruse, Larry D. - Blue Springs, MO; Glaxo Wellcome Inc.

Kulesher, Kate M. - Lincoln; American Home Products Corp.

Landis, Kristin - Lincoln; Nebraska Association of Hospitals & Health Systems

Lanz, Tom - Lincoln; Safari Club International - Nebraska Chapter

Larsen, Carlin L. - Chadron; U S WEST Communications

LeFevre, Andrew T. - Falls Church, VA; Law Enforcement Alliance of America

LeMieux, Matthew - Lincoln; American Civil Liberties Union (ACLU Nebraska)

Licht, Alice L. - Lincoln; Anderson Management Services, Inc.; Automotive Recycling Industry of Nebraska; Nebraska Coalition For Interior Design; Nebraska Fertilizer & Ag-Chemical Institute, Inc.; Nebraska Hotel & Motel Association, Inc.; Nebraska State Pest Control Association

Lineweber, Ray L. - Lincoln; United Transportation Union

Lombardi-Erickson/American Communications Group

Lombardi, Richard A. - Lincoln; Association of Nebraska Community Action Agencies; Nebraska Association of Public Employees, AFSCME Local 61; Nebraska Board of Engineers & Architects; Nebraska Chapter of American Physical Therapy Association; Nebraska Counseling Association; Nebraska EMS Coalition; Nebraska Professional Fire Fighters Association; Nebraska Psychological Association; Papio-Missouri Natural Resources District; Tri-Mutual Aid Fire Fighter Association

Wininger, Dwight - Lincoln; Peru State College Foundation

Lombardi, Richard A. - Lincoln; American Communications Group, Inc.

Lunde, Brian A. - McLean, VA; Andersen Consulting; Smith Kline Beecham

Lutz, Mark - Lincoln; Employers Unemployment Insurance Company; Nebraska Restaurant Association

Lutz, Richard - Lincoln; Employers Unemployment Insurance Company; Nebraska Restaurant Association

Marcus, Joan K. - Omaha; The ARC of Nebraska

Marfisi, Thomas C. - Omaha; Mayor City of Omaha

McBride, David S. - Lincoln; Nebraska Optometric Association; Nebraska State Association of Life Underwriters

McClurg, Lori - Lincoln; Mayor Mike Johanns

McDonald, Gordon L. - Omaha; Nebraska State AFL-CIO
McGuire, Mark D. - Lincoln; Nebraska State Education Association
Meek, Randy D. - Lincoln; Brotherhood of Locomotive Engineers Nebraska State Legislative Board
Mihovk, Donald J. - Lincoln; Nebraska Chamber of Commerce & Industry
Miller, Cy - Lincoln; Working Poor
Miller, George P. - Plattsmouth; Nebraska Press Association
Mills, Jack D. - Lincoln; Nebraska Association of County Officials
Minor, Timothy H. - Long Grove, IL; CF Industries, Inc.
Monaghan, Judy A. - Omaha; Scientific Games Inc.
Moody, Randall - Lincoln; American National Bank; Nebraska Association of the Deaf; 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; Village of Butte; 3M/Traffic Control Materials Division
Morrissey, Kristin J. - Omaha; Voices for Children in Nebraska
Morrow, Arlillian Hall - Omaha; American Association of Retired Persons
Mossman, Stephen D. - Lincoln; Butler County Landfill, Inc.
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 Travel Related Services Company, Inc.; ASARCO Incorporated; AT&T; Big Red Keno Ltd.; Chief Ethanol Fuels, Inc.; First Data Corporation; Heartland Community Bankers Association; Jobs for Nebraska; Kellogg Company; League of Nebraska Municipalities; Lincoln Airport Authority; Lincoln Electric System; Lincoln Partnership for Economic Development; Nebraska Academy of Ophthalmology; Nebraska Collectors Association, Inc.; Nebraska Dental Association; Nebraska Interactive; Nebraska Machinery Company; Nebraska Methodist Health System, Inc.; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Pork Industry Group; Nebraska Press Association; Nebraska Society of Independent Accountants; Nebraska State Bar Association; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands; Rural/Metro Medical Services; Western Sugar Company
Mumgaard, D. Milo - Lincoln; Nebraska Appleseed Center for Law in the Public Interest
Neidig, Bryce P. - Lincoln; Nebraska Farm Bureau Federation
Nelson, Arlene - Grand Island; American Association of Retired Persons
Nelson, Craig L. - Lincoln; Nebraska Association of County Officials
Nelson, Paul - Butte; Boyd County Monitoring Committee
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
O'Hara & Associates
Lindsay, John - Lincoln; O'Hara & Associates, Inc.
O'Hara & Associates, Inc.
O'Hara, Paul V. - Lincoln; Bishop Clarkson Hospital; Blue Cross & Blue Shield of Nebraska; Cox Nebraska Telcom II; CFO Services, LLP; Finocchiaro Wine Co., Inc.; First National Bank of Omaha; GTECH Corporation; Hall County Livestock Improvement Association; KN Energy, Inc.; Lucent Technologies, Inc.; Nebraska Association of Trial Attorneys; Nebraska Citizens for the Arts; Nebraska County Judges Association; Nebraska Humanities Council; Nebraska Soft Drink Association; Northern Natural Gas Co.; Nucor Steel; Omaha Public Power District; Peru State College Foundation; Pioneer Hi-Bred International; Strategic Staff Management, Inc.; University of Nebraska; Utilcorp United; West Publishing Company
O'Hara, Paul V. - Lincoln; O'Hara & Associates, Inc.
Obst, Robert E. - Grand Island; U S WEST Communications
Oertwich, P. Ann - Lincoln; Nebraska Nurses Association
Orton, Lee - Lincoln; Nebraska State Irrigation Association; Nebraska Well Drillers Association
Pack, Mary M. - Lincoln; Walter H. Radcliffe of Radcliffe & Associates
Palmer, Betsy - Lincoln; American Association of Retired Persons
Parker, David R. - Lincoln; Great West Casualty Company; Joe Morten and Son, Inc.
Parks, James - Lincoln; DeCamp Legal Services, P.C.
Patterson Jr., Walter L. - Lincoln; Nebraska Cooperative Council
Paulger, Mary Ann - Fremont; American Association of Retired Persons
Peetz, Natalie - Omaha; Greater Omaha Chamber of Commerce
Peppie, Lana K. - Lincoln; Nebraska Optometric Association
Peters, William E. - Lincoln; Burlington Northern Santa Fe; Golden Rule Insurance Company; The Tobacco Institute
Petersen, Randall V. - Lincoln; Lancaster County School District No. 153
Pierson, Darwin R. - McCook; Nebraska Independent Oil & Gas Association
Piper, George - Walthill; Center for Rural Affairs
Podraza, Bill L. - Columbus; Nebraska Public Power District
Popken, Kent T. - Lincoln; U S WEST Communications
Potter, Cara E. - Lincoln; Nebraska Retail Federation; Nebraska Retail Grocers Association
Preston, James N. - Lincoln; Nebraska Motor Carriers Association
Prettyman, Keith A. - Lincoln; Woodmen Accident and Life Company
Pribyl, James C. - Denver, CO; MCI Telecommunications Corporation
Ptacek, Patrick J. - Lincoln; Nebraska Grain and Feed Association
Pursley, Jeff - Lincoln; Aliant Communications Inc.
Radcliffe and Associates
Radcliffe, Walter H. - Lincoln; Aliant Communications Inc.; Arkansas Power and Light Company; FHC Options, Inc.; Gulf States Utilities; GTECH Corporation; Lincoln Public Schools; Louisiana Power and Light Company; Media of Nebraska, Inc.; Midwest Vending Inc.; Motion Picture Association of America; Nebraska Automatic

Merchandising Council; 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 Rural Electric Association; Nebraska School Food Service Association; Nebraska Securities Industry Association; Nebraska Society of Certified Public Accountants; Nebraska State Cemetery Association; Nebraska Wholesale Liquor Distributors Association; Property Owners Association; State Troopers Association of Nebraska, Inc.; The Wine Institute; University of Nebraska; UST Public Affairs Inc.; Wolf Creek Nuclear Operating Corporation

Rasmussen, Dennis - Lincoln; Catrala Association; Friends of Rural Education; Great Plains Communications; Iowa/Nebraska Farm Equipment Association; LensCrafters; Midwest Automotive Wholesalers Association; National Rifle Association; Nebraska Independent Auto Dealers Association; Nebraska Nursery & Landscape Association; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska State Board of Agriculture; Nebraska State Historical Society; Norwest Bank Nebraska, N.A.; Philip Morris Management Corporation; Western 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, L. Lynn - Lincoln; League of Nebraska Municipalities

Richards, Thomas - Omaha; Omaha Public Power District

Roberts, John L. - Lincoln; Nebraska Association of Hospitals & Health Systems

Robertson, Rob J. - Lincoln; Nebraska Farm Bureau Federation

Ruehle, Greg - Lincoln; Nebraska Cattlemen

Ruth, Larry L./Ruth & Mueller Law Firm

Ruth, Larry L. - Lincoln; American Express Travel Related Services Company, Inc.; ASARCO Incorporated; AT&T; Big Red Keno Ltd.; Chief Ethanol Fuels, Inc.; First Data Corporation; Heartland Community Bankers Association; Jobs for Nebraska; Kellogg Company; League of Nebraska Municipalities; Lincoln Airport Authority; Lincoln Electric System; Lincoln Partnership for Economic Development; Nebraska Academy of Ophthalmology; Nebraska Collectors Association, Inc.; Nebraska Dental Association; Nebraska Interactive; Nebraska Machinery Company; Nebraska Methodist Health System, Inc.; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Pork Industry Group; Nebraska Press Association; Nebraska Society of Independent Accountants; Nebraska State Bar Association; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands; Rural/Metro Medical Services; Western Sugar Company

Ryan, Beth - Lincoln; Nebraska Railroad Association

Sahling, Shelley R. - Lincoln; Lincoln Electric System

Sands, David - Lincoln; National Audubon Society
Scanlan, Jeffrey L. - Plattsmouth; Cornhusker Casualty Company
Schellpeper, William L. - Lincoln; Nebraska Medical Association
Schimek, Herbert H. - Lincoln; Nebraska State Education Association
Schmidt, Tom - St. Paul, MN; Pfizer Inc.
Schmit-Albin, Julie - Lincoln; Nebraska Right to Life, Inc.
Schmit, Loran/Schmit Industries
  Schmit Industries, Inc. - Lincoln; Ag Processing, Inc.; Bell Family Farms; Nebraska Soybean Growers Association; Nebraska Wheat Growers
  Schmit, Loran - Lincoln; Ethanol Research & Development Associates
Schroeder, William - Schaumburg, IL; Alliance of American Insurers
Schuele, Joe - Lincoln; Aliant Communications Inc.
Schwartz, Julia P. - Omaha; Children's Healthcare Services
Sedlacek, Ron/Brandt, Horan, Hallstrom & Sedlacek
  Sedlacek, Ronald J. - Lincoln; Nebraska Bankers Association; Nebraska Chamber of Commerce & Industry; Travelers Express Company, Inc.
Semerad, Mark F. - Omaha; ConAgra, Inc.
Settje, Dean - Lincoln; Nebraska Cattlemen
Setzepfandt, Scott - Lakeville, MN; HLR Service Corporation
Shaw, Timothy F. - Lincoln; Nebraska Advocacy Services, Inc.
Sholl, Arthur F. - Omaha; American Society of Mechanical Engineeers
Siefken, Kathy - Lincoln; Nebraska Retail Grocers Association
Sieh, Loren - Naper; Boyd County Monitoring Committee
Sigerson, Chuck - Omaha; Nebraska Republican Party
Smith, Dwayne G. - Columbus; Loup River Public Power District
Snyder, Kimberly - Lincoln; Nebraska Telephone Association
Snyder, Patricia - Lincoln; Nebraska Health Care Association
Solem, Calvin C. - Omaha; Associated General Contractors
Stading, Donald R. - Lincoln; Ameritas Life Insurance Corporation and its subsidiaries
Staritzky, Kim L. - Walthill; Center for Rural Affairs
Stewart, Elizabeth - Lincoln; Nebraska Farm Bureau Federation
Stilmock, Gerald/Brandt Horan Hallstrom Sedlacek
  Stilmock, Gerald M. - Syracuse; National Federation of Independent Business; Nebraska Pharmacists Association; Nebraska State Volunteer Firefighter's Association
Stock, Darrell K. - Lincoln; Hudson, Jim and Debbie
Stone, Fred R. - Lincoln; Nebraska Petroleum Marketers & Convenience Store Association
Sukovaty, Jack - Lincoln; JES Environmental Services
Sullivan, J. Scott - Omaha; Nebraska Credit Union League, Inc.
Sullivan, Patrick H. - Lincoln; Independent Lumber Dealers Association
Swartz, Jack - Lincoln; Nebraska Chamber of Commerce & Industry
Thompson, Nancy L. - South Sioux City; Center for Rural Affairs
Thone, Charles/Erickson & Sederstrom, P.C.
  Thone, Charles - Lincoln; Anderson Management Services; AIA, Nebraska; AMERISTAR; Board of Educational Lands and Funds; Erickson & Sederstrom, P.C.; Nebraska Municipal Power Pool (NMPP Energy); Nebraska Society of Clinical Laboratory Science

Todd Jr., A. Loy - Lincoln; Nebraska New Car & Truck Dealers Association
Tooker, Norman E. - Ralston; Nebraska State Grange
Uhe, Fred J. - Papillion; Sarpy County Board of Commissioners
Ullstrom, Galen F. - Omaha; Mutual of Omaha Insurance Companies
Urdahl, Michael B. - Blair; Great Plains Communications
Van Pelt, Carter - Lincoln; Nebraskans Against the Death Penalty
Vickers, Tom - Lincoln; Association of Private Practice Therapist; Board of Educational Lands and Funds; Nebraska Association of School Boards; Nebraska Boundary Preservation Committee; Nebraska Community College Association; Nebraska Nurses' Association; Nebraska Occupation Therapy Association, Inc.; Nebraska Propane Gas Association; The Westside Community & Ralston Public 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. - Earth City, MO; General Motors Corporation
Watson, Carol S. - Lincoln; Lincoln Benefit Life Company
Watson, James S. - Omaha; United HealthCare Corporation
Weaver, James T. - Omaha; The Nebraska Health System
Wiitala, Steve - Omaha; Omaha Public Schools
Williams, David M. - Lincoln; Ameritas Life Insurance Corporation and its subsidiaries
Wilson, Rob - Lincoln; Nebraska Public Power District
Wininger, Dwight - Lincoln; American Communications Group, Inc.; Nebraska Rural Telecommunications Coalition
Withem, Ron - Lincoln; University of Nebraska
Wright, Norman H. - Omaha; Children's Healthcare Services
Wurtz, Thomas A. - Omaha; Metropolitan Utilities District of Omaha
Wylie, William M. - Elgin; Nebraska Insurance Information Service
Yearly, Erdice - Lincoln; American Association of Retired Persons
Yost, Kurt T. - Lincoln; Midwest Check Cashing Inc.; Nebraska Independent Bankers Association; The Central Nebraska Public Power & Irrigation District
Young, Harry D. - Waverly; Norris Public Power District
Young, Loyd L. - Seward; Nebraska Association of County Extension Boards

**WITHDRAW - Cointroducers**

Mr. Schrock withdrew his name as cointroducer to LB 938.

Mrs. Hillman withdrew her name as cointroducer to LB 1114.

**AMENDMENTS - Print in Journal**

Mr. Wesely filed the following amendment to the proposed rules changes:
Amend the Brown-Bromm-Beutler rules change:
Delete the phrase "and the time after which cloture may be invoked on the bill or resolution" and strike the new language inserted in Rule 7, Section 10.

Mr. Chambers filed the following amendment to the proposed rules changes:
In part 1 of the Beutler amendment, after "senators" insert: "and interested lobbyists"

Mr. Maurstad filed the following amendment to the proposed rules changes:
Amend Rule 1 Section 17(a)
Designate up to ~~five~~ ten bills . . . .

## VISITORS

Visitor to the Chamber was Rod Ely from Guide Rock.

The Doctor of the Day was Janet Sellon from Blair.

## MOTION - Adjournment

Mr. Lynch moved to adjourn until 9:00 a.m., Thursday, January 15, 1998.

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 the motion to adjourn.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Engel | Lynch | Preister | Stuhr |
| Brashear | Hillman | Matzke | Raikes | Vrtiska |
| Bromm | Hudkins | Pedersen, Dw. | Robinson | Wesely |
| Brown | Jensen | Pederson, D. | Schellpeper | Willhoft |
| Bruning | Jones | Peterson, C. | Schrock | Witek |
| Crosby | | | | |

Voting in the negative, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Landis | Maurstad | Tyson | Wickersham |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Robak | Suttle | Wehrbein |
| Bohlke | Hilgert | Schimek | | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Coordsen | Dierks | Janssen | Kristensen | Thompson |
| Cudaback | Hartnett | Kiel | Schmitt | Will |

The Lynch motion prevailed with 26 ayes, 5 nays, 8 present and not voting, and 10 excused and not voting, and at 4:22 p.m., the Legislature adjourned until 9:00 a.m., Thursday, January 15, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

## SEVENTH DAY – JANUARY 15, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 15, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

### PRAYER

The prayer was offered by Pastor Thomas Saddler, Christ Temple Missionary Church, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Coordsen, Dierks, Kristensen, Landis, Wickersham, Will, Mmes. Bohlke, and Kiel who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

Page 229, line 3, after "Messrs." insert "Lynch,".
The Journal for the fourth day was approved as corrected.
The Journal for the sixth 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

Mrs. Thompson moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 15, 1998.

Mr. Chambers offered the following amendment to the temporary rules:
Strike Rule 2, section 2

Messrs. Vrtiska and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to his pending amendment:
At the end of the sentence, strike period and add, "except for the provisions contained in the first and third sentences.

Pending.

Messrs. Coordsen and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

## NOTICE OF COMMITTEE HEARINGS
### Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 990 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 995 | Thursday, January 22, 1998 | 1:30 p.m. |
| LR 307CA | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 1007 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 1093 | Friday, January 23, 1998 | 1:30 p.m. |
| LB 1068 | Friday, January 23, 1998 | 1:30 p.m. |
| LB 1020 | Friday, January 23, 1998 | 1:30 p.m. |

Friday, January 23, 1998 1:30 p.m.
Director, Department of Administrative Services
Karen Kilgarin
Accountability and Disclosure Commission
Burnell Steinmeyer
Dawn E. Rockey
Robert J. Sivick

(Signed) C. N. "Bud" Robinson, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1178.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Reissue Revised Statutes of Nebraska; to revise the power of savings and loan associations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1179.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-130, 45-351, and 45-921, Revised Statutes Supplement, 1997; to change penalty provisions relating to installment loans, the Nebraska Installment Sales Act, and the Delayed Deposit Services Licensing Act; and to repeal the original sections.

**LEGISLATIVE BILL 1180.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1123, Reissue Revised Statutes of Nebraska; to provide an additional exception to the registration requirements; to reject the federal provisions on registration as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1181.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-1,329, Revised Statutes Supplement, 1997; to change provisions relating to marriage and family therapist certification requirements; and to repeal the original section.

**LEGISLATIVE BILL 1182.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-812, 9-836.01, 79-1021, and 79-1108, Reissue Revised Statutes of Nebraska; to change the distribution of lottery proceeds; to provide a termination date for a fund and a council; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1183.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Foster Grandparent Program.

**LEGISLATIVE BILL 1184.** Introduced by Jensen, 20; Janssen, 15; Robinson, 16; Vrtiska, 1.

A BILL FOR AN ACT relating to public bidding; to amend section 73-101, Reissue Revised Statutes of Nebraska; to change provisions relating to public lettings; to eliminate certain provisions relating to competitive bidding; to repeal the original sections; and to outright repeal sections 81-161.01 and 81-161.02, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1185.** Introduced by Hillman, 48; Cudaback, 36; Engel, 17; Maurstad, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,142.03, Reissue Revised Statutes of Nebraska; to change election provisions relating to local option sales tax; and to repeal the original section.

**LEGISLATIVE BILL 1186.** Introduced by Stuhr, 24; Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-509, Reissue Revised Statutes of Nebraska, and sections 77-1315,

77-1315.01, 77-1338, and 77-5028, Revised Statutes Supplement, 1997; to eliminate agricultural and horticultural land valuation boards and land manual areas; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1379, 77-1382, and 77-1383, Reissue Revised Statutes of Nebraska, and sections 77-1378, 77-1380 to 77-1381.01, 77-1384, 77-5024, and 77-5025, Revised Statutes Supplement, 1997.

**MOTION - Adopt Temporary Rules**

The Chambers pending amendment, found on page 320, to his pending amendment, found on page 319, to the temporary rules, was renewed.

Mr. Chambers requested a record vote on his amendment to his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | Brown | Maurstad | Peterson, C. | Witek |
| Brashear | Hillman | Pederson, D. | Tyson | |

Present and not voting, 29:

| | | | | |
|---|---|---|---|---|
| Bromm | Hilgert | Landis | Robinson | Suttle |
| Bruning | Hudkins | Lynch | Schellpeper | Thompson |
| Crosby | Janssen | Matzke | Schimek | Wesely |
| Cudaback | Jensen | Pedersen, Dw. | Schmitt | Wickersham |
| Engel | Jones | Preister | Schrock | Willhoft |
| Hartnett | Kiel | Raikes | Stuhr | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Elmer | Robak | Wehrbein |
| Bohlke | Dierks | Kristensen | Vrtiska | Will |

The Chambers amendment lost with 1 aye, 9 nays, 29 present and not voting, and 10 excused and not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

Mr. Chambers requested a roll call vote on his pending amendment, found on page 319, to the temporary rules.

Voting in the affirmative, 4:

| | | | | |
|---|---|---|---|---|
| Chambers | Jensen | Landis | Lynch | |

Voting in the negative, 32:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Jones | Preister | Tyson |
| Brashear | Elmer | Kiel | Robinson | Wehrbein |
| Bromm | Engel | Matzke | Schrock | Wesely |
| Brown | Hilgert | Pedersen, Dw. | Stuhr | Wickersham |
| Bruning | Hillman | Pederson, D. | Suttle | Willhoft |
| Coordsen | Hudkins | Peterson, C. | Thompson | Witek |
| Crosby | Janssen | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Raikes | Schellpeper | Schimek | Schmitt |
| Maurstad | | | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Robak | Vrtiska | Will |
| Bohlke | Kristensen | | | |

The Chambers amendment lost with 4 ayes, 32 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The pending motion to adopt temporary rules, was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on the motion to adopt temporary rules.

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Kiel | Preister | Suttle |
| Brashear | Hartnett | Landis | Raikes | Thompson |
| Bromm | Hilgert | Lynch | Robinson | Tyson |
| Brown | Hillman | Matzke | Schellpeper | Wehrbein |
| Bruning | Hudkins | Maurstad | Schimek | Wesely |
| Coordsen | Janssen | Pedersen, Dw. | Schmitt | Wickersham |
| Crosby | Jensen | Pederson, D. | Schrock | Willhoft |
| Cudaback | Jones | Peterson, C. | Stuhr | Witek |
| Elmer | | | | |

Voting in the negative, 1:

Chambers

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Robak | Vrtiska | Will |
| Bohlke | Kristensen | | | |

The motion to adopt temporary rules prevailed with 41 ayes, 1 nay, and 7 excused and not voting.

The Chair declared the call raised.

## NOTICE OF COMMITTEE HEARINGS
### Education

| | | |
|---|---|---|
| LB 910 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 1103 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 1123 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 1133 | Monday, January 26, 1998 | 1:30 p.m. |

(Signed) Ardyce L. Bohlke, Chairperson

### Business and Labor

| | | |
|---|---|---|
| LB 923 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 944 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 983 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 1010 | Monday, January 26, 1998 | 1:30 p.m. |

(Signed) Chris Abboud, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

| LB | Committee |
|---|---|
| 1133 | Education |
| 1134 | Education |
| 1135 | Judiciary |
| 1136 | Revenue |
| 1137 | Health and Human Services |
| 1138 | Appropriations |
| 1139 | Judiciary |
| 1140 | Health and Human Services |
| 1141 | Appropriations |
| 1142 | Revenue |
| 1143 | Transportation |
| 1144 | Natural Resources |
| 1145 | Banking, Commerce and Insurance |
| 1146 | Health and Human Services |

1147 Transportation
1148 Revenue
1149 Revenue
1150 Judiciary
1151 Transportation
1152 Government, Military and Veterans Affairs
1153 Revenue
1154 Natural Resources
1155 Revenue
1156 Judiciary
1157 Transportation
1158 Appropriations
1159 Education
1160 Education
1161 Natural Resources
1162 Banking, Commerce and Insurance
1163 Education
1164 Banking, Commerce and Insurance
1165 Health and Human Services
1166 Judiciary
1167 Government, Military and Veterans Affairs
1168 Agriculture
1174 Revenue

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## REPORTS

The following reports were received by the Legislature:

**Commission on Local Government Innovation and Restructuring**
Public Facilities Report (requested by LB 269, 1997)
Public Safety Report (requested by LB 269, 1997)
School Innovation Survey (requested by LB 710, 1997)

**Health and Human Services System**
License Suspension Annual Report for 1997

**Investment Finance Authority, Nebraska (NIFA)**
Single Family Mortgage Revenue Bonds Quarterly Report - Series 1997 A, 1997 B, and 1997 D
State Revolving Fund Revenue Bond Quarterly Report Series 1996

**Roads, Department of**
Highway Cash Fund and Roads Operation Cash Fund for December 1997

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1187.** Introduced by Kiel, 9.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-320, Revised Statutes Supplement, 1997; to change provisions relating to repossession plates; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1188.** Introduced by Kiel, 9; Crosby, 29; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,213, Reissue Revised Statutes of Nebraska; to change provisions relating to reckless driving; to prohibit threatening or intimidating driving or brandishing a weapon as prescribed while driving; and to repeal the original section.

**LEGISLATIVE BILL 1189.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to special education; to amend section 79-1110, Revised Statutes Supplement, 1997; to state intent; to provide for instruction in and use of braille; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1190.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to fuel tax; to amend sections 66-486, 66-678, 66-680, 66-681, 66-6,113, and 66-713, Reissue Revised Statutes of Nebraska, and section 66-718, Revised Statutes Supplement, 1997; to change provisions relating to the collection of gasoline, diesel fuel, and compressed fuel tax; to change retail records and reporting provisions; to change a civil penalty; to provide operative dates; to repeal the original sections; and to declare an emergency.

## RESOLUTION

**LEGISLATIVE RESOLUTION 316.** Read. Considered.

LR 316 was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

## UNANIMOUS CONSENT - Members Excused

Messrs. Coordsen and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

**MOTION - Adopt Permanent Rules**

Mrs. Brown renewed her pending second amendment, found on page 305, to the pending Brown-Bromm-Beutler proposed rules changes, found on pages 285 and 286, to Rule 7, Sec. 3 and Rule 7, Sec. 10.

Messrs. Landis, Jones, Bruning, Mmes. Bohlke, and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on the second Brown amendment.

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Jensen | Peterson, C. | Thompson |
| Beutler | Engel | Jones | Robinson | Tyson |
| Brashear | Hartnett | Kiel | Schellpeper | Wehrbein |
| Bromm | Hilgert | Matzke | Schimek | Wesely |
| Brown | Hillman | Maurstad | Schrock | Willhoft |
| Cudaback | Hudkins | Pedersen, Dw. | Stuhr | Witek |
| Dierks | Janssen | Pederson, D. | Suttle | |

Voting in the negative, 0.

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Preister | Raikes | Schmitt |
| Crosby | | | | |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Bohlke | Coordsen | Landis | Vrtiska | Will |
| Bruning | Kristensen | Robak | Wickersham | |

The second Brown amendment was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Cudaback, Dierks, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to reconsider the second Brown amendment.

Messrs. Lynch, Janssen, Vrtiska, Schellpeper, Ms. Schimek, 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 6 ayes, 1 nay, and 42 not voting.

The Chambers motion to reconsider failed with 1 aye, 28 nays, 5 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Mr. Beutler withdrew his second amendment, found on page 286, to the proposed rules change.

Mr. Beutler renewed his pending motion, found on page 286, to suspend the pertinent provisions, to include Rule 2, Sec. 10 and Rule 7, Sec. 3 and 7, of the rules and vote on the Beutler-Brown-Bromm amendment to the rules without further amendment, motion, or debate.

Mr. Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on the Beutler motion to suspend the rules.

Voting in the affirmative, 33:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Jones | Peterson, C. | Suttle |
| Beutler | Engel | Kiel | Raikes | Thompson |
| Brashear | Hilgert | Lynch | Robinson | Tyson |
| Bromm | Hillman | Matzke | Schmitt | Wehrbein |
| Brown | Hudkins | Maurstad | Schrock | Willhoft |
| Bruning | Janssen | Pedersen, Dw. | Stuhr | Witek |
| Crosby | Jensen | Pederson, D. | | |

Voting in the negative, 4:

| | | | |
|---|---|---|---|
| Chambers | Schimek | Wesely | Wickersham |

Present and not voting, 2:

| | |
|---|---|
| Hartnett | Preister |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bohlke | Cudaback | Kristensen | Robak | Vrtiska |
| Coordsen | Dierks | Landis | Schellpeper | Will |

The Beutler motion to suspend the rules prevailed with 33 ayes, 4 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Chambers requested a record vote on the Brown-Bromm-Beutler proposed rules changes, found on pages 285 and 286, to Rule 7, Sec. 3 and Rule 7, Sec. 10.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Jensen | Pederson, D. | Thompson |
| Beutler | Engel | Kiel | Peterson, C. | Tyson |
| Bromm | Hilgert | Lynch | Robinson | Wehrbein |
| Brown | Hillman | Matzke | Schrock | Willhoft |
| Bruning | Hudkins | Maurstad | Stuhr | Witek |
| Crosby | Janssen | Pedersen, Dw. | Suttle | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Schimek | Schmitt | Wesely | Wickersham |
| Hartnett | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Brashear | Jones | Preister | Raikes |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bohlke | Cudaback | Kristensen | Robak | Vrtiska |
| Coordsen | Dierks | Landis | Schellpeper | Will |

The Brown-Bromm-Beutler proposed rules changes were adopted with 29 ayes, 6 nays, 4 present and not voting, and 10 excused and not voting.

Mr. Beutler renewed the Beutler-Will pending motion, found on page 286, to suspend the pertinent provisions, to include Rule 3, Sec. 10 and Rule 7, Sec. 3 and 7, of the rules and vote on the motion to adopt permanent rules as amended without further amendment, motion, or debate.

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 record vote on the Beutler-Will motion to suspend the rules.

Voting in the affirmative, 32:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Hudkins | Maurstad | Schrock |
| Beutler | Crosby | Janssen | Pedersen, Dw. | Stuhr |
| Brashear | Elmer | Jensen | Pederson, D. | Suttle |
| Bromm | Engel | Kiel | Peterson, C. | Thompson |
| Brown | Hilgert | Lynch | Raikes | Tyson |
| Bruning | Hillman | Matzke | Robinson | Wehrbein |

Willhoft Witek

Voting in the negative, 6:

Chambers Preister Schimek Wesely Wickersham
Hartnett

Present and not voting, 2:

Jones Schmitt

Excused and not voting, 9:

Bohlke Dierks Landis Schellpeper Will
Cudaback Kristensen Robak Vrtiska

The Beutler-Will motion to suspend the rules prevailed with 32 ayes, 6 nays, 2 present and not voting, and 9 excused and not voting.

Mr. Chambers requested a roll call vote on the motion to adopt the permanent rules, as amended.

Voting in the affirmative, 32:

Abboud Crosby Jensen Pederson, D. Suttle
Beutler Elmer Kiel Peterson, C. Thompson
Brashear Engel Lynch Robinson Tyson
Bromm Hilgert Matzke Schmitt Wehrbein
Brown Hillman Maurstad Schrock Willhoft
Bruning Hudkins Pedersen, Dw. Stuhr Witek
Coordsen Janssen

Voting in the negative, 2:

Chambers Schimek

Present and not voting, 6:

Hartnett Preister Raikes Wesely Wickersham
Jones

Excused and not voting, 9:

Bohlke Dierks Landis Schellpeper Will
Cudaback Kristensen Robak Vrtiska

The motion to adopt permanent rules, as amended, prevailed with 32 ayes, 2 nays, 6 present and not voting, and 9 excused and not voting.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 316.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1191.** Introduced by Nebraska Retirement Systems Committee: Janssen, 15, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2306, 23-2323.01, 23-2333, 79-926, 79-9,100, 84-1319.01, and 84-1513, Reissue Revised Statutes of Nebraska, section 84-1503, Revised Statutes Supplement, 1996, and sections 48-1401, 79-902, 79-933.03, 79-933.05, 79-958, 79-9,113, 81-2016, 84-1301, 84-1307, 84-1504, and 84-1505, Revised Statutes Supplement, 1997; to change provisions relating to eligibility and vesting credit, military service credit, purchase of service credit, deferred compensation, contributions, and liability; to redefine terms; to provide duties; to eliminate provisions relating to additions to members' accounts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-2310.01, 23-2310.02, and 23-2335, Reissue Revised Statutes of Nebraska, and sections 24-703.01, 24-703.02, 79-936, 79-937, 81-2027.01, 81-2027.02, 84-1311.01, 84-1311.02, and 84-1503.01, Revised Statutes Supplement, 1997.

**LEGISLATIVE BILL 1192.** Introduced by Nebraska Retirement Systems Committee: Janssen, 15, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 2-1608, 13-2401, 23-2301, 23-2308, 23-2312, 23-2317.01, 23-2319, 23-2325, 24-705, 24-711, 79-905, 79-947.02, 79-949, 79-967, 84-1305.01, 84-1319.01, and 84-1327, Reissue Revised Statutes of Nebraska, sections 42-1108, 50-438, and 84-1503, Revised Statutes Supplement, 1996, and sections 79-901, 79-902, 79-916, 79-922, 79-951, 79-955, 81-2014.01, and 84-1301, Revised Statutes Supplement, 1997; to change provisions relating to transfer of retirement funds, qualified domestic relations orders, creditable service records, and fraudulent claims; to provide powers and duties; to eliminate obsolete provisions; to redefine a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1193.** Introduced by Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to agriculture; to require reports of ownership of real estate involved in farming or ranching and farming or ranching activities; to provide powers and duties for the Secretary of State

and Attorney General; and to provide for dissolution or cancellation of registration for failure to comply.

**LEGISLATIVE BILL 1194.** Introduced by Wesely, 26; Schimek, 27.

A BILL FOR AN ACT relating to temporary state employees; to amend sections 84-1601 and 84-1604, Reissue Revised Statutes of Nebraska; to authorize certain health insurance benefits; and to repeal the original sections.

**LEGISLATIVE BILL 1195.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to state colleges; to amend sections 77-2602, 81-638, 85-326, and 85-327, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the cigarette tax, cancer and smoking disease research, and certain construction projects as prescribed; to provide an operative date; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1196.** Introduced by Schellpeper, 18; Beutler, 28; Bohlke, 33; Bromm, 23; Bruning, 3; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Hilgert, 7; Hudkins, 21; Janssen, 15; Jones, 43; D. Pederson, 42; Preister, 5; Raikes, 25; Robak, 22; Schrock, 38; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Willhoft, 34.

A BILL FOR AN ACT relating to livestock; to amend sections 81-1501 to 81-1503, 81-1506 to 81-1508.02, 81-1511, and 81-1512, Reissue Revised Statutes of Nebraska, and sections 81-1504 and 81-1505, Revised Statutes Supplement, 1997; to adopt the Livestock Waste Management Act; to provide duties for the Environmental Quality Council, the Department of Environmental Quality, and the Department of Water Resources; to harmonize provisions; to state intent; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1197.** Introduced by D. Pederson, 42; Jones, 43; Matzke, 47; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-1007.02, Revised Statutes Supplement, 1997; to change provisions relating to cost groupings; and to repeal the original section.

**LEGISLATIVE BILL 1198.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3508, Revised Statutes Supplement, 1997; to change eligibility criteria for homestead exemptions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1199.** Introduced by Wesely, 26; Beutler, 28; Crosby, 29; Hudkins, 21; Raikes, 25; Schimek, 27.

A BILL FOR AN ACT relating to storm water facility construction; to state findings; to create a fund; to provide for cost sharing; and to state intent.

**LEGISLATIVE BILL 1200.** Introduced by Wesely, 26; Beutler, 28; Crosby, 29; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Tree Recovery Program; to amend sections 72-1901, 72-1902, and 72-1904, Reissue Revised Statutes of Nebraska; to change provisions relating to grants; to harmonize provisions; and to repeal the original sections.

## NOTICE OF COMMITTEE HEARINGS

### Transportation

| | | |
|---|---|---|
| LB 1064 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 957 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 945 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 996 | Monday, January 26, 1998 | 1:30 p.m. |

(Signed) Curt Bromm, Chairperson

### Revenue

| | | |
|---|---|---|
| LB 989 | Thursday, January 22, 1998 | 2:30 p.m. |
| LB 930 | Thursday, January 22, 1998 | 2:30 p.m. |
| LB 961 | Thursday, January 22, 1998 | 2:30 p.m. |
| LB 1149 | Thursday, January 22, 1998 | 2:30 p.m. |
| LB 982 | Friday, January 23, 1998 | 2:30 p.m. |
| LB 1174 | Friday, January 23, 1998 | 2:30 p.m. |
| LB 1153 | Friday, January 23, 1998 | 2:30 p.m. |
| LB 1104 | Friday, January 23, 1998 | 2:30 p.m. |

(Signed) William R. Wickersham, Chairperson

### Banking, Commerce and Insurance

| | | |
|---|---|---|
| LB 1077 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 1087 | Monday, January 26, 1998 | 1:30 p.m. |
| LB 1094 | Monday, January 26, 1998 | 1:30 p.m. |

(Signed) David M. Landis, Chairperson

### Natural Resources

| | | |
|---|---|---|
| LB 1052 | Thursday, January 22, 1998 | 1:30 p.m. |

(Signed) Chris Beutler, Chairperson

**Health and Human Services**

| | | |
|---|---|---|
| LB 1079 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 1041 | Thursday, January 22, 1998 | 1:30 p.m. |
| LB 1040 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1073 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 949 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1063 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1070 | Thursday, January 29, 1998 | 1:30 p.m. |

Thursday, January 29, 1998 1:30 p.m.
Rural Health Advisory Board
Janet Fletcher
Diane Schlotman
Michael Sitorius

| | | |
|---|---|---|
| LB 1017 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 952 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 968 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 1096 | Thursday, February 5, 1998 | 1:30 p.m. |

(Signed) Don Wesely, Chairperson

**AMENDMENT - Print in Journal**

Mrs. Bohlke filed the following amendment to LB 320:
AM2768

(Amendments to Standing Committee amendments, AM0856)

1. Insert the following new section:

"Sec. 13. Section 60-6,270, Revised Statutes Supplement, 1997, is amended to read:

60-6,270. (1) Except as provided in subsection (2) of this section, (a) no driver shall operate a motor vehicle upon a highway or street in this state unless the driver and each front-seat occupant in the vehicle are wearing occupant protection systems ~~and all~~ and, (b) in the case of a driver operating a motor vehicle under a provisional operator's permit issued pursuant to section 5 of this act, no driver shall operate a motor vehicle upon a highway or street in this state unless the driver and all occupants in the vehicle are wearing occupant protection systems. All occupant protection systems worn ~~are~~ shall be properly adjusted and fastened.

(2) The following persons shall not be required to wear an occupant protection system:

(a) A person who possesses written verification from a physician that the person is unable to wear an occupant protection system for medical reasons;

(b) A rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points; and

(c) A member of an emergency medical service while involved in patient care.

(3) For purposes of this section, motor vehicle shall mean a vehicle required by section 60-6,266 to be equipped with an occupant protection system.".

2. On page 9, line 12, strike "(2)" and insert "(2)(a)"; and after line 21 insert the following new subdivision:

"(b) The holder of a provisional operator's permit shall not operate a motor vehicle upon any highway in this state unless he or she and all occupants in the vehicle are wearing occupant protection systems in compliance with section 60-6,270.".

3. On page 15, line 22, strike "July 1, 1998" and insert "January 1, 1999"; in line 24 strike "and"; and in line 26 after "1996," insert "and section 60-6,270, Revised Statutes Supplement, 1997,".

4. Renumber the remaining sections accordingly.

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 15, 1998, 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

Curran, Daniel J. - Omaha; R. A. Skochdopole
Cutshall & Associates
Cutshall, Bruce A. - Lincoln; Kelley, Lehan & Hall, P.C.
Freeman, Jeff - Fairfax, VA; Tanya Metaksa/National Rifle Association
Lynch, Kristin - Lincoln; Kelley, Lehan & Hall, P.C.
O'Hara & Associates, Inc.
O'Hara, Paul V. - Lincoln; Handgun Control, Inc.
Reilly, Tara - Fairfax, VA; National Rifle Association
Rogert, Suzanne M. - Lincoln; Kelley, Lehan & Hall, P.C.
Scarpello, Sam M. - Beaver Lake; Nebraska State Council of Electrical Workers; Nebraska State Utility Workers Conference; Omaha Federation of Labor
Schoenrock, Robert L. - Lincoln; Brotherhood of Maintenance of Way Employees
Shultz, Jack L. - Lincoln; Motorcycle Industry Council, Inc.; Nebraska Telephone Association
Skochdopole, R. A. - Omaha; Ash Grove Cement Company; Association of

Independent Colleges & Universities of Nebraska; National Association of Independent Insurers; Smokeless Tobacco Council, Inc.
Smith, Roy A. - Omaha; Metropolitan Omaha Convention Sports & Entertainment Authority

## ANNOUNCEMENT

Mr. Janssen designates LB 1134 as his priority bill.

## MOTIONS - Print in Journal

Mr. Chambers filed the following motion to LB 917:
Suspend the rules, Rule 3, Section 13, to permit consideration of the motion to withdraw LB 917.

Mr. Chambers filed the following motion to LB 917:
Withdraw LB 917.

Mr. Chambers filed the following motion to LB 918:
Withdraw LB 918.

Mr. Chambers filed the following motion to LB 919:
Withdraw LB 919.

Mr. Chambers filed the following motion to LB 997:
Withdraw LB 997.

## AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 109:

(1)

FA446
In Committee Amendment (AM0116)
Strike section 1 (1)

(2)

FA447
In Committee Amendment (AM0116)
Strike section 1 (2)

(3)

FA448
In Committee Amendment (AM0116)
Strike section 1 (3)

## MOTION - Print in Journal

Mr. Chambers filed the following motion to LB 109:
To indefinitely postpone.

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 1166. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 989. No objections. So ordered.

Mmes. Kiel, Thompson, Brown, Messrs. Hartnett, Brashear, Janssen, Robinson, and Bruning asked unanimous consent to have their names added as cointroducers to LB 1099. No objections. So ordered.

## WITHDRAW - Cointroducer

Mr. Chambers withdrew his name as cointroducer to LBs 1010, 1063, 1095, and 1112 .

## WITHDRAW - Introducer

Mr. Chambers withdrew his name as introducer to LB 1137.

## VISITORS

The Doctor of the Day was Kathy Bliese from Waterloo.

## ADJOURNMENT

At 1:31 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, January 20, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

## EIGHTH DAY - JANUARY 20, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 20, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

### PRAYER

The prayer was offered by Pastor Christian DeLaRosa Granados, Calvary Methodist Church, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Jones, Preister, and Robinson who were excused; and Messrs. Abboud, Bromm, Engel, Hartnett, Landis, Dw. Pedersen, Wickersham, Will, Mmes. Bohlke, Crosby, Hillman, Hudkins, Kiel, and Witek who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

### AMENDMENT - Print in Journal

Mr. Janssen filed the following amendment to LB 252:
AM2790
1. On page 2, line 25; and page 3, line 28, strike "1997" and insert "1998".
2. On page 3, line 27, after "entity" insert "or if the prior governmental entity did not pay the training costs".

### MOTION - Withdraw LB 918

Mr. Chambers renewed his pending motion, found on page 336, to withdraw LB 918.

The Chambers motion prevailed with 23 ayes, 1 nay, 8 present and not

voting, and 17 excused and not voting.

**MOTION - Withdraw LB 919**

Mr. Chambers renewed his pending motion, found on page 336, to withdraw LB 919.

The Chambers motion prevailed with 30 ayes, 1 nay, 3 present and not voting, and 15 excused and not voting.

**MOTION - Withdraw LB 997**

Mr. Chambers renewed his pending motion, found on page 336, to withdraw LB 997.

The Chambers motion prevailed with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

**MOTION - Suspend Rules**

Mr. Chambers renewed his pending motion, found on page 336, to suspend the rules, Rule 3, Section 13, to permit consideration of the motion to withdraw LB 917.

The Chambers motion to suspend the rules prevailed with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

**MOTION - Withdraw LB 917**

Mr. Chambers renewed his pending motion, found on page 336, to withdraw LB 917.

The Chambers motion prevailed with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1201.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1003, Reissue Revised Statutes of Nebraska; to change trustee authorization provisions; and to repeal the original section.

**LEGISLATIVE BILL 1202.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to trees; to amend sections 72-1901 to 72-1904, Reissue Revised Statutes of Nebraska; to change tree recovery

program provisions; to provide funding; and to repeal the original sections.

**LEGISLATIVE BILL 1203.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Revised Statutes Supplement, 1996; to change the number of judges; and to repeal the original section.

**LEGISLATIVE BILL 1204.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to schools; to amend sections 79-520 and 79-546, Reissue Revised Statutes of Nebraska, and sections 79-437, 79-902, and 79-978, Revised Statutes Supplement, 1997; to provide for compensation for school board members as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1205.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to weed control; to amend section 2-955, Reissue Revised Statutes of Nebraska; to change notice provisions; and to repeal the original section.

## GENERAL FILE

**LEGISLATIVE BILL 109.** Title read. Considered.

Standing Committee amendment, AM0116, found on page 640, First Session, 1997, was considered.

Mrs. Brown withdrew the Preister amendment, AM0738, found on page 849, First Session, 1997.

Mrs. Brown renewed the Preister pending amendment, AM0878, found on page 984, First Session, 1997, to the Standing Committee amendment.

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

The Preister amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Chambers renewed his pending amendment, FA446, found on page 336, to the Standing Committee amendment.

Messrs. Landis and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Pending.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1206.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for certain pathogenic agent research.

**LEGISLATIVE BILL 1207.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to Nebraska Cornhusker Spirit Plates; to amend section 60-311.23, Revised Statutes Supplement, 1997; to provide for issuance of plates for farm trucks; and to repeal the original section.

**LEGISLATIVE BILL 1208.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to controlled shooting areas; to amend section 37-910, Reissue Revised Statutes of Nebraska; to change provisions relating to boundaries; and to repeal the original section.

**LEGISLATIVE BILL 1209.** Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 44; Preister, 5; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to livestock; to amend sections 81-1501 to 81-1503, 81-1506 to 81-1508.02, 81-1511, and 81-1512, Reissue Revised Statutes of Nebraska, section 46-257, Revised Statutes Supplement, 1996, and sections 81-1504 and 81-1505, Revised Statutes Supplement, 1997; to adopt the Livestock Waste Management Act; to provide duties for the Department of Environmental Quality and the Department of Water Resources; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1210.** Introduced by Coordsen, 32; Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-1016, Revised Statutes Supplement, 1997; to change provisions relating to adjusted valuation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1211.** Introduced by Coordsen, 32; Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1016, Revised Statutes Supplement, 1997; to provide for corrected state aid; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1212.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to water rights; to amend sections 46-291 and 46-294, Reissue Revised Statutes of Nebraska, section 46-290, Revised Statutes Supplement, 1996, and section 46-2,108, Revised Statutes Supplement, 1997; to change provisions relating to transfer of water rights by sale, lease, or gift; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1213.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to water rights; to amend sections 33-105 and 46-229.06, Reissue Revised Statutes of Nebraska, sections 46-122, 46-212.02, and 46-229, Revised Statutes Supplement, 1996, and sections 46-235.04 and 46-2,108, Revised Statutes Supplement, 1997; to provide for and eliminate provisions relating to transfer of water rights by sale, lease, or gift; to provide powers and duties; to provide for fees; to provide penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 46-290, 46-291, 46-292, 46-293, and 46-294, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1214.** Introduced by Dierks, 40; Coordsen, 32; Crosby, 29; Engel, 17; Jones, 43; Maurstad, 30; Dw. Pedersen, 39; Tyson, 19.

A BILL FOR AN ACT relating to marriage; to amend sections 42-104, 42-108, 42-110, 42-117, and 42-361, Reissue Revised Statutes of Nebraska, and sections 43-347, 42-353, and 42-372, Revised Statutes Supplement, 1997; to authorize covenant marriages; to provide grounds for legal separation and divorce pertaining to covenant marriages; to eliminate the prohibition on causes of action for alienation of affections or criminal conversation; to harmonize provisions; to repeal the original sections; and to outright repeal section 25-21,188, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1215.** Introduced by Will, 8.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3509.01 to 77-3509.03, 77-3511, 77-3521, 77-3522, and 77-3529, Reissue Revised Statutes of Nebraska, and sections 77-3501, 77-3510, 77-3512 to 77-3514, 77-3516, and 77-3523, Revised Statutes Supplement, 1997; to provide a homestead exemption for all homesteads; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

## GENERAL FILE

**LEGISLATIVE BILL 109.** Mr. Chambers renewed his pending amendment, FA447, found on page 336, to the Standing Committee amendment.

Mr. Chambers withdrew his amendment.

Mr. Chambers renewed his pending amendment, FA448, found on page 336, to the Standing Committee amendment.

Mr. Chambers withdrew his amendment.

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

The Standing Committee amendment, as amended, was adopted with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

Mr. Chambers withdrew his motion, found on page 336, to indefinitely postpone.

Advanced to E & R for review with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1216.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to libraries; to state intent; to provide for public library federations; to define terms; to provide for boards, tax levies, funds, basic public library services, and reports; and to provide powers and duties.

**LEGISLATIVE BILL 1217.** Introduced by Stuhr, 24; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Raikes, 25; Suttle, 10; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.02, 23-1114.03, 23-1114.04, 23-1114.05, 23-1114.06, 23-3302, 23-3311, 23-3312, 23-3313, 68-621, 79-205, 79-206, 79-208, 79-209, 79-213, 79-401, 79-414, 79-421, 79-425, 79-426, 79-427, 79-433, 79-435, 79-439, 79-448, 79-450, 79-452, 79-453, 79-454, 79-455, 79-467, 79-470, 79-478, 79-480, 79-485, 79-487, 79-490, 79-495, 79-497, 79-498, 79-499, 79-4,103, 79-524, 79-537, 79-544, 79-575, 79-577, 79-578, 79-579, 79-588, 79-598, 79-605, 79-709, 79-724, 79-804, 79-818, 79-819, 79-960, 79-1037, 79-1039, 79-1044, 79-1045, 79-1046, 79-1047, 79-1048, 79-1051, 79-1052, 79-1053, 79-1076, 79-1077, 79-1083, 79-1090, 79-1094, and 79-1605, Reissue Revised Statutes of Nebraska, sections 32-570 and 48-302, Revised Statutes Supplement, 1996, and sections 32-608, 32-609, 71-208, 71-212, 71-501, 79-203, 79-413, 79-418, 79-419, 79-420, 79-424, 79-431, 79-441, 79-442, 79-443, 79-444, 79-445, 79-446, 79-447, 79-451, 79-458, 79-479, 79-528, 79-569, 79-611, 79-850, 79-902, 79-1024, 79-1033, 79-1035, 79-1036, 79-1078, and 79-1089,

Revised Statutes Supplement, 1997; to eliminate the office of county superintendent of schools; to provide for county school administrators; to provide operative dates; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-3301, 23-3303, 23-3304, 23-3305, 23-3306, 23-3307, 23-3308, 23-3310, 79-460, 79-461, 79-464, 79-465, 79-466, 79-481, 79-483, and 79-484, Reissue Revised Statutes of Nebraska, and sections 32-527, 79-437, 79-438, 79-438.01, 79-440, 79-462, 79-463, 79-482, and 79-10,112, Revised Statutes Supplement, 1997.

**LEGISLATIVE BILL 1218.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to courts; to amend section 23-1705, Reissue Revised Statutes of Nebraska; to require the Supreme Court to pay security costs as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1219.** Introduced by Bohlke, 33; Dierks, 40; Stuhr, 24; Suttle, 10.

A BILL FOR AN ACT relating to schools; to amend sections 79-851, 79-852, 79-854, 79-855, 79-856, and 79-858, Reissue Revised Statutes of Nebraska, and sections 79-850, 79-1003, 79-1010, and 79-1083.02, Revised Statutes Supplement, 1997; to provide for unified systems; to change provisions relating to the Retirement Incentive Plan, Staff, Development Assistance, and reorganization incentives; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1220.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to adoption; to provide commensurate child-care leave for adoptive parents.

**LEGISLATIVE BILL 1221.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-184, Reissue Revised Statutes of Nebraska; to change provisions relating to authorized visitation or work release by a committed offender; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1222.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to gambling; to amend sections 9-607 and 9-651, Reissue Revised Statutes of Nebraska, and sections 77-3001, 77-3004, and 77-3009, Revised Statutes Supplement, 1997; to change provisions relating to lottery tickets and mechanical amusement devices; to provide for occupation taxes; to define and redefine terms; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1223.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1020, 68-1021, 68-1037, and 68-1724, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility; to change provisions relating to duties of the Department of Health and Human Services; and to repeal the original sections.

## MOTION - Print in Journal

Mr. Chambers filed the following motion to LB 1137:
Withdraw LB 1137.

## ANNOUNCEMENT

Mr. Beutler announced the Natural Resources Committee elected Mr. Preister as Vice Chairperson.

## NOTICE OF COMMITTEE HEARINGS

### Transportation

| | | |
|---|---|---|
| LB 927 | Tuesday, January 27, 1998 | 1:30 p.m. |
| LB 1000 | Tuesday, January 27, 1998 | 1:30 p.m. |
| LB 1033 | Tuesday, January 27, 1998 | 1:30 p.m. |

(Signed) Curt Bromm, Chairperson

### Education

| | | |
|---|---|---|
| LB 1121 | Tuesday, January 27, 1998 | 1:30 p.m. |
| LB 1124 | Tuesday, January 27, 1998 | 1:30 p.m. |
| LB 1134 | Tuesday, January 27, 1998 | 1:30 p.m. |
| LB 1159 | Tuesday, January 27, 1998 | 1:30 p.m. |

Tuesday, February 17, 1998 1:30 p.m.
Postsecondary Coordinating Commission
Helen Morten
Keith Vrbicky
Eric Seacrest
David Brandt

(Signed) Ardyce L. Bohlke, Chairperson

### Nebraska Retirement Systems

| | | |
|---|---|---|
| LB 1191 | Tuesday, January 27, 1998 | 12:00 noon |

Tuesday, January 27, 1998 12:00 noon
Nebraska Investment Council
Bruce W. Bisson

(Signed) Ray Janssen, Chairperson

**Urban Affairs**

| | | |
|---|---|---|
| LB 938 | Tuesday, January 27, 1998 | 1:30 p.m. |
| LR 309CA | Tuesday, January 27, 1998 | 1:30 p.m. |

(Signed) D. Paul Hartnett, Chairperson

## ANNOUNCEMENT

The Natural Resources Committee designates LB 922 and LB 1209 as its priority bills.

## GENERAL FILE

**LEGISLATIVE BILL 33.** Title read. Considered.

Standing Committee amendment, AM0137, found on page 675, First Session, 1997, was considered.

Messrs. Maurstad and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

**MR. WEHRBEIN PRESIDING**

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA450
Amend committee amendments:
1. In lines 11 & 15, reinstate stricken matter and strike new matter.
2. Strike the emergency clause.

Messrs. Maurstad and Brashear asked unanimous consent to be excused. No objections. So ordered.

Pending.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1224.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,159, Reissue Revised Statutes of Nebraska; to eliminate notice to the Attorney General regarding a declaratory judgment on the validity of a municipal ordinance or franchise; and to repeal the original section.

**LEGISLATIVE BILL 1225.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1330, Reissue Revised Statutes of Nebraska; to change summary judgment procedure; and to repeal the original section.

**LEGISLATIVE BILL 1226.** Introduced by Robak, 22; Crosby, 29; Dierks, 40; Schmitt, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 1997; to require a levy for support of county libraries; and to repeal the original section.

**LEGISLATIVE BILL 1227.** Introduced by Hartnett, 45; Bruning, 3; Lynch, 13; Robak, 22; Schimek, 27; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1997; to provide an income tax adjustment for federal governmental pensions; to provide an operative date; and to repeal the original section.

## RESOLUTION

**LEGISLATIVE RESOLUTION 317CA.** Introduced by Maurstad, 30; Abboud, 12; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6; Bruning, 3; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Kristensen, 37; Lynch, 13; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Raikes, 25; Robak, 22; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Suttle, 10; Thompson, 14; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Willhoft, 34; Witek, 31.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 XV, section 18:

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 shall provide for the merger or consolidation of 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.".

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 provide for mergers and consolidations by local governments.

For

Against".

Referred to the Reference Committee.

## MOTION - Print in Journal

Mr. Dierks filed the following motion to LB 1193:

Suspend Rule 3, Section 13, to permit the scheduling of LB 1193 for public hearing on 1-27-98.

## NOTICE OF COMMITTEE HEARING
## Banking, Commerce and Insurance

| | | |
|---|---|---|
| LB 1088 | Tuesday, January 27, 1998 | 1:30 p.m. |
| LB 1111 | Tuesday, January 27, 1998 | 1:30 p.m. |
| LB 1128 | Tuesday, January 27, 1998 | 1:30 p.m. |
| LB 1145 | Tuesday, January 27, 1998 | 1:30 p.m. |

(Signed) David M. Landis, Chairperson

## WITHDRAW - Cointroducers

Mr. Dw. Pedersen withdrew his name as cointroducer to LB 1114.

Mr. Bruning withdrew his name as cointroducer to LB 1032.

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1099. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 951. No objections. So ordered.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1228.** Introduced by Bohlke, 33; Abboud, 12; Beutler, 28; Brashear, 4; Bromm, 23; Brown, 6; Elmer, 44; Hilgert, 7; Hudkins, 21; Janssen, 15; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Raikes, 25; Schimek, 27; Schrock, 38; Stuhr, 24; Suttle, 10; Thompson, 14; Wesely, 26; Wickersham, 49; Willhoft, 34.

A BILL FOR AN ACT relating to schools; to amend section 9-812, Reissue Revised Statutes of Nebraska; to adopt the Quality Education Accountability Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1229.** Introduced by Bohlke, 33; Abboud, 12; Brashear, 4; Brown, 6; Hillman, 48; D. Pederson, 42; Raikes, 25; Schimek, 27; Schrock, 38; Suttle, 10; Wesely, 26; Wickersham, 49; Willhoft, 34.

A BILL FOR AN ACT relating to schools; to amend sections 9-812 and 79-1108, Reissue Revised Statutes of Nebraska, and sections 79-1003, 79-1018.01, and 79-1105 to 79-1107, Revised Statutes Supplement, 1997; to provide funds for accelerated or differentiated curriculum programs; to provide duties; to harmonize provisions; and to repeal the original sections.

## VISITORS

Visitor to the Chamber was Louis Napoleon from Omaha.

## ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, January 21, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# NINTH DAY – JANUARY 21, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 21, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Pastor Dan Fraser, Church of Christ, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Jones, Preister, and Robinson who were excused; and Messrs. Abboud, Bromm, Hilgert, Landis, Lynch, Matzke, Dw. Pedersen, Schmitt, Wehrbein, Wesely, Will, Mmes. Bohlke, Brown, Hillman, Kiel, Suttle, and Ms. Schimek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

| LB | Committee |
|---|---|
| 1169 | Education |
| 1170 | Natural Resources |
| 1171 | Transportation |
| 1172 | Agriculture |
| 1173 | Appropriations |
| 1175 | Education |
| 1176 | Appropriations |
| 1177 | Revenue |
| 1178 | Banking, Commerce and Insurance |

1179 Banking, Commerce and Insurance
1180 Banking, Commerce and Insurance
1181 Health and Human Services
1182 General Affairs
1183 Appropriations
1184 Government, Military and Veterans Affairs
1185 Revenue
1186 Revenue
1187 Transportation
1188 Transportation
1189 Education
1190 Revenue
1191 Nebraska Retirement Systems
1192 Nebraska Retirement Systems
1193 Agriculture
1194 Banking, Commerce and Insurance
1195 Revenue
1196 Natural Resources
1197 Education
1198 Revenue
1199 Appropriations
1200 Appropriations

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## NOTICE OF COMMITTEE HEARING
**Health and Human Services**

Thursday, January 29, 1998 1:30 p.m.
Foster Care Review Board
Carlene Bourn
Steven Renteria

(Signed) Don Wesely, Chairperson

## ANNOUNCEMENT

Mr. Coordsen designates LB 989 as his priority bill.

The Business and Labor Committee designates LB 1010 as its priority bill.

## MOTION - Withdraw LB 1137

Mr. Chambers renewed his pending motion, found on page 346, to withdraw LB 1137.

The Chambers motion prevailed with 19 ayes, 0 nays, 10 present and not

voting, and 20 excused and not voting.

**MOTION - Suspend Rules**

Mr. Dierks renewed his pending motion, found on page 349, to suspend the rules, Rule 3, Section 13, to permit the scheduling of LB 1193 for public hearing on 1-27-98.

The Dierks motion to suspend the rules prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

**UNANIMOUS CONSENT - Members Excused**

Messrs. Matzke, Cudaback, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 892.** Title read. Considered.

Messrs. Schmitt, D. Pederson, Bruning, Mmes. Robak, and Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

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

**LEGISLATIVE BILL 893.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

**LEGISLATIVE BILL 894.** Title read. Considered.

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

Mr. Coordsen moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1230.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to insurance; to adopt the Insurance Sales Consumer Protection Act; to provide a duty for the Revisor of Statutes; and to provide severability.

**LEGISLATIVE BILL 1231.** Introduced by Wickersham, 49; Bohlke, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-501, 79-523, 79-1075, 79-1081, and 79-1092, Reissue Revised Statutes of Nebraska, and sections 77-3442, 79-10,110, 85-1515, and 85-1517, Revised Statutes Supplement, 1997; to provide exemptions from the property tax lid for certain school building projects; to change certain levy amounts; to change procedures for the authorization of building projects; to create local school planning committees; to eliminate certain election requirements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1082, 79-1098, 79-10,100, 79-10,120, 79-10,123, 79-10,124, and 79-10,126, Reissue Revised Statutes of Nebraska, and sections 79-1099, 79-10,101, 79-10,103, 79-10,111 to 79-10,113, 79-10,117, 79-10,118, 79-10,121, 79-10,122, and 79-10,125, Revised Statutes Supplement, 1997.

**LEGISLATIVE BILL 1232.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 66-1516 and 66-1517, Reissue Revised Statutes of Nebraska, and section 81-15,117, Revised Statutes Supplement, 1996; to provide for a covenant not to sue under the Petroleum Products and Hazardous Substances Storage and Handling Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1233.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to judges; to amend section 25-2905, Reissue Revised Statutes of Nebraska; to create the Nebraska County Court Judges Association; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1234.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-204, 28-311.01, 28-311.04, 28-504, 28-519, 28-802, 28-905, 28-1202, 28-1203, 28-1204.01, 28-1206 to 28-1208, 28-1212.03, 28-1221, 28-1343.01, 60-492, 60-6,196, 69-2408, and 69-2420 to 69-2422, Reissue Revised Statutes of Nebraska, section 60-6,197, Revised Statutes Supplement, 1996, and sections 28-105, 28-201, 28-320.01, 28-416, and 28-1469, Revised Statutes Supplement, 1997; to change punishments; to

change penalty classification for certain offenses; to eliminate provisions relating to indeterminate sentences; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 83-1,105.01, Revised Statutes Supplement, 1997; and to declare an emergency.

**LEGISLATIVE BILL 1235.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts and estates; to amend section 12-1107, Reissue Revised Statutes of Nebraska; to adopt the Uniform Principal and Income Act of 1997; to repeal the Nebraska Principal and Income Act; to harmonize provisions; to provide severability; to repeal the original section; and to outright repeal sections 30-3101 to 30-3115, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1236.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to certified public accountants; to amend sections 1-116 and 1-124, Reissue Revised Statutes of Nebraska; to change provisions relating to examination eligibility and the issuance of reciprocal certificates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1237.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts and trust companies; to amend sections 8-209, 8-212, 8-213, 8-214, 8-215, 8-230, and 8-602, Reissue Revised Statutes of Nebraska; to adopt the Interstate Trust Company Office Act; to define and redefine terms; to provide fees; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 1238.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101, 8-113, 8-114, 8-115, 8-121, 8-124, 8-126, 8-128, 8-132, 8-169, 8-185, 8-187, 8-190, 8-193, 8-197, 8-198, 8-1,102, 8-1,103, 8-1,104, 8-1,116, 8-1,119, 8-1,120, 8-206, 8-909, 8-910, 8-1602, 8-1603, 8-2102, and 21-2028, Reissue Revised Statutes of Nebraska; to authorize savings associations to convert to state banks; to name an act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1239.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507 to 77-3509, Revised Statutes Supplement, 1997; to change homestead exemption provisions; to eliminate a limitation on the exemption; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-3506.03 and 77-3530, Reissue Revised Statutes of Nebraska, and section 77-3505.02, Revised Statutes

Supplement, 1997.

**LEGISLATIVE BILL 1240.** Introduced by Elmer, 44.

A BILL FOR AN ACT relating to education; to amend section 79-1105, Revised Statutes Supplement, 1997; to change provisions relating to learners with high ability; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1241.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208, Reissue Revised Statutes of Nebraska; to change provisions relating to race meet taxes; and to repeal the original section.

**LEGISLATIVE BILL 1242.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 28-101, Revised Statutes Supplement, 1997; to prohibit falsifying educational documents; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 1243.** Introduced by Tyson, 19; Maurstad, 30.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 16-104, 16-105, 16-302.01, 16-306, 17-102, 17-104, 17-301, 17-303, 17-614, and 17-805, Reissue Revised Statutes of Nebraska, section 32-534, Revised Statutes Supplement, 1996, and section 32-554, Revised Statutes Supplement, 1997; to change provisions relating to elections, ordinances, officers, and meetings; to harmonize provisions; and to repeal the original sections.

## NOTICE OF COMMITTEE HEARINGS
### Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 974 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1129 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1055 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1059 | Wednesday, January 28, 1998 | 1:30 p.m. |

(Signed) Ray Janssen, Vice Chairperson

### Natural Resources

| | | |
|---|---|---|
| LB 922 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1023 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1126 | Thursday, January 29, 1998 | 1:30 p.m. |

(Signed) Chris Beutler, Chairperson

## Appropriations

| | | |
|---|---|---|
| LB 988 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1105 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1106 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1108 | Wednesday, January 28, 1998 | 1:30 p.m. |

Wednesday, January 28, 1998, Room 1003 1:30 p.m.
Agency 07 - Governor
Agency 08 - Lieutenant Governor

Thursday, January 29, 1998, Room 1003 1:30 p.m.
Agency 09 - Secretary of State
Agency 10 - State Auditor
Agency 12 - State Treasurer
Agency 14 - Public Service Commission
Agency 30 - State Electrical Board
Agency 37 - Worker's Compensation
Agency 40 - Motor Vehicle Industry Licensing Board
Agency 41 - Real Estate Commission
Agency 57 - Nebraska Oil and Gas Commission
Agency 63 - Board of Public Accountancy
Agency 76 - Nebraska Indian Commission
Agency 87 - Political Accountability and Disclosure Commission

Friday, January 30, 1998, Room 1003 1:30 p.m.
Agency 24 - Motor Vehicles
Agency 27 - Department of Roads
Agency 28 - Veterans Affairs
Agency 31 - Military Department
Agency 33 - Game and Parks Commission

(Signed) Roger R. Wehrbein, Chairperson

## ANNOUNCEMENTS

Mrs. Hudkins designates LB 1173 as her priority bill.

Mrs. Bohlke designates LB 1228 as her priority bill.

Mr. Jones designates LB 395 as his priority bill.

## GENERAL FILE

**LEGISLATIVE BILL 895.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 896.** 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 897.** Title read. Considered.

Mr. Chambers moved to indefinitely postpone LB 897.

Messrs. Elmer and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to indefinitely postpone.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 898.** 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 1244.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to deceased persons; to amend sections 71-1002 and 71-1339, Reissue Revised Statutes of Nebraska; to permit cremation of remains of indigents and to provide for disposition; and to repeal the original sections.

**LEGISLATIVE BILL 1245.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to nonprofit corporations; to amend section 21-19,114, Reissue Revised Statutes of Nebraska; to change procedures for amending and repealing bylaws; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1246.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to petitions; to amend section 32-628, Revised Statutes Supplement, 1997; to define terms; to change provisions relating to petitions and paid circulators; and to repeal the original section.

**LEGISLATIVE BILL 1247.** Introduced by Coordsen, 32; Bromm, 23; Dierks, 40; Matzke, 47; Robak, 22; Schellpeper, 18; Stuhr, 24; Vrtiska, 1; Wickersham, 49; Willhoft, 34.

A BILL FOR AN ACT relating to schools; to state intent; and to appropriate funds.

**LEGISLATIVE BILL 1248.** Introduced by Dierks, 40; Hudkins, 21; Schellpeper, 18; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4402 and 2-4403, Reissue Revised Statutes of Nebraska; to include grain warehouses in the Nebraska Right to Farm Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1249.** Introduced by Hillman, 48; Engel, 17.

A BILL FOR AN ACT relating to counties; to amend section 23-1401, Reissue Revised Statutes of Nebraska; to provide for the establishment of the office of county comptroller in all counties; and to repeal the original section.

## STANDING COMMITTEE REPORTS
## Banking, Commerce and Insurance

**LEGISLATIVE BILL 739.** Placed on General File.
**LEGISLATIVE BILL 932.** Placed on General File.
**LEGISLATIVE BILL 1034.** Placed on General File.

**LEGISLATIVE BILL 1035.** Placed on General File as amended.
Standing Committee amendment to LB 1035:
AM2797

1. On page 17, after line 16; page 25, after line 6; and page 28, after line 4 insert the following new subsection:

"(3) Creditable coverage shall not include coverage consisting solely of coverage of excepted benefits as that term is defined in the federal Health Insurance Portability and Accountability Act of 1996, 29 U.S.C. 1191b, and regulations adopted pursuant to the act.".

(Signed) David M. Landis, Chairperson

## MOTIONS - Print in Journal

Mr. Abboud asked unanimous consent that LB 1096, referenced to the Health and Human Services Committee, be rereferenced to the Judiciary Committee.

Mr. Abboud filed the following motion to LB 1096:
That LB 1096 be rereferenced from the Health and Human Services Committee to the Judiciary Committee.

## NOTICE OF COMMITTEE HEARINGS
## Judiciary

| | | |
|---|---|---|
| LB 972 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 981 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 987 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1166 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 936 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1011 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1012 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1150 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1135 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1117 | Thursday, January 29, 1998 | 1:30 p.m. |

(Signed) Kermit A. Brashear, Chairperson

## Agriculture

| | | |
|---|---|---|
| LB 1193 | Tuesday, January 27, 1998 | 1:30 p.m. |

(Signed) Merton L. Dierks, Chairperson

## Revenue

| | | |
|---|---|---|
| LB 1028 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 913 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 914 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1116 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 916 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 943 | Wednesday, January 28, 1998 | 1:30 p.m. |
| LB 1037 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 929 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1036 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1061 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1062 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1109 | Thursday, January 29, 1998 | 1:30 p.m. |

(Signed) William R. Wickersham, Chairperson

## AMENDMENT - Print in Journal

Mr. Will filed the following amendment to LB 497:
AM2730

1. On page 35, line 15, strike "1997" and insert "1998"; in line 19 strike "1996" and insert "1997"; in line 21 strike "1997" and insert "1998"; in line 23 strike "1995, or" and insert "1996," and after "percent" insert "for annuities first paid after

October 1, 1995, but on or before October 1, 1996, or (c) nine percent"; and in line 24 strike "1999" and insert "2000".

2. On page 36, line 10, strike "1998" and insert "1999".

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 899.** Title read. Considered.

Mr. Maurstad moved to suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and vote on the advancement of LB 899 without further amendment, motion, or debate.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Maurstad moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on the Maurstad motion to suspend the rules.

Voting in the affirmative, 32:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kristensen | Schellpeper | Tyson |
| Bohlke | Engel | Landis | Schmitt | Wehrbein |
| Brashear | Hilgert | Matzke | Schrock | Wesely |
| Bromm | Hillman | Maurstad | Stuhr | Will |
| Brown | Hudkins | Pedersen, Dw. | Suttle | Willhoft |
| Bruning | Janssen | Pederson, D. | Thompson | Witek |
| Crosby | Jensen | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Coordsen | Lynch | Robak | Vrtiska | Wickersham |
| Hartnett | Raikes | Schimek | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kiel | Preister | Robinson |
| Dierks | Jones | Peterson, C. | | |

The Maurstad motion to suspend the rules prevailed with 32 ayes, 1 nay, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

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

**LEGISLATIVE BILL 900.** Title read. Considered.

Mr. Maurstad moved to suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and vote on the advancement of LB 900 without further amendment, motion, or debate.

Mr. Maurstad withdrew his motion to suspend the rules.

Advanced to E & R for review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 901.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 902.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 903.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

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

**LEGISLATIVE BILL 904.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1250.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 81-1932 and 83-910, Reissue Revised Statutes of Nebraska; to authorize truth and deception examinations of department employees; to provide procedures; to provide for training and certification of department employees; to provide powers and duties for the department; and to repeal the original sections.

**LEGISLATIVE BILL 1251.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to installment loans; to amend section 45-121, Reissue Revised Statutes of Nebraska, and sections 45-118 and 45-130, Revised Statutes Supplement, 1997; to provide for waiver of a hearing as prescribed; to change provisions relating to applications for licenses and examinations; and to repeal the original sections.

**LEGISLATIVE BILL 1252.** Introduced by Will, 8.

A BILL FOR AN ACT relating to cancer and smoking disease research; to amend sections 77-2602 and 81-638, Reissue Revised Statutes of Nebraska; to change provisions relating to the cigarette tax; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1253.** Introduced by Will, 8.

A BILL FOR AN ACT relating to dams; to amend section 81-8,219, Reissue Revised Statutes of Nebraska, and section 46-257, Revised Statutes Supplement, 1996; to exempt certain dams as prescribed; to waive state liability; and to repeal the original sections.

**LEGISLATIVE BILL 1254.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to political subdivision budget limitations; to provide for adjustments; to provide duties for the Auditor of Public Accounts.

**LEGISLATIVE BILL 1255.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-122.01, Reissue Revised Statutes of Nebraska; to change death benefit provisions; and to repeal the original section.

**LEGISLATIVE BILL 1256.** Introduced by Hartnett, 45; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Highway Bond Act; to amend sections 39-2201 and 39-2223, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for loans to political subdivisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1257.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to welfare reform; to amend section 68-1721, Reissue Revised Statutes of Nebraska; to change work experience and employment provisions; and to repeal the original section.

**LEGISLATIVE BILL 1258.** Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Brashear, 4; Raikes, 25; Stuhr, 24; Suttle, 10; Wickersham, 49; Willhoft, 34.

A BILL FOR AN ACT relating to schools; to prohibit certain reorganizations as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 1259.** Introduced by Hartnett, 45; Lynch, 13; Will, 8.

A BILL FOR AN ACT relating to enterprise zones; to amend sections 13-2109 and 13-2110, Reissue Revised Statutes of Nebraska; to change provisions relating to enterprise zone association boards; and to repeal the original sections.

**LEGISLATIVE BILL 1260.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01, 77-2701.02, 77-2715.01, 77-2734.02, 77-27,156, 81-125, and 81-125.01, Reissue Revised Statutes of Nebraska, and sections 77-501 to 77-503, 77-2703, and 77-2715.02, Revised Statutes Supplement, 1997; to change the membership of and provisions relating to the State Tax Board; to require the board to set the rates for sales and income taxes; to provide powers and duties for the board, Tax Commissioner, Director of Administrative Services, and Legislative Fiscal Analyst; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1261.** Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change provisions relating to license suspension; and to repeal the original section.

**LEGISLATIVE BILL 1262.** Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-105 and 53-106, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Nebraska Liquor Control Commission; and to repeal the original sections.

**LEGISLATIVE BILL 1263.** Introduced by D. Pederson, 42; Abboud, 12; Bruning, 3; Engel, 17; Matzke, 47; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2201, Revised Statutes Supplement, 1997; to provide for the transfer of real property by affidavit; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1264.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.14, Revised Statutes Supplement, 1997; to provide for the issuance of motorcycle license plates to any handicapped or disabled person; and to repeal the original section.

**LEGISLATIVE BILL 1265.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-401, Revised Statutes Supplement, 1997; to define and redefine terms; to permit the use of sodium pentobarbital for the euthanasia of animals as prescribed; to adopt the Humane Society Act; and to repeal the original section.

**LEGISLATIVE BILL 1266.** Introduced by Wesely, 26; Hilgert, 7.

A BILL FOR AN ACT relating to capital punishment; to amend section 28-105.01, Reissue Revised Statutes of Nebraska; to provide an exemption for persons with developmental disabilities; and to repeal the original section.

**LEGISLATIVE BILL 1267.** Introduced by Wesely, 26; Hilgert, 7.

A BILL FOR AN ACT relating to economic development; to establish the Nebraska Family Assets and Savings Development Task Force; to state intent; to define a term; to provide duties; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 1268.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-309 and 60-311.01, Reissue Revised Statutes of Nebraska, and sections 60-311, 60-311.02, and 60-311.11, Revised Statutes Supplement, 1997; to provide for an alpha-numeric system of registration for counties of one hundred thousand inhabitants or more; to change provisions relating to personalized message plates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1269.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1997; to provide requirements for issuance of permits for vehicles exceeding size and weight

limitations; and to repeal the original section.

**LEGISLATIVE BILL 1270.** Introduced by Bromm, 23; Raikes, 25; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-1001, Revised Statutes Supplement, 1997; to provide duties for primary high school districts; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1271.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101 and 43-109, Reissue Revised Statutes of Nebraska, sections 43-102 and 43-104, Revised Statutes Supplement, 1996, and section 43-107, Revised Statutes Supplement, 1997; to provide for certain adult child adoptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1272.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to adoption; to amend section 43-104, Revised Statutes Supplement, 1996; to change consent requirements; and to repeal the original section.

**LEGISLATIVE BILL 1273.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to legal separation; to amend section 42-368, Reissue Revised Statutes of Nebraska; to provide for vacating decrees of legal separation; and to repeal the original section.

## ANNOUNCEMENT

Mr. Schellpeper designates LB 1196 as his priority bill.

## RESOLUTION

**LEGISLATIVE RESOLUTION 318.** Introduced by Hartnett, 45; Bruning, 3.

WHEREAS, Bellevue West High School won the 1997 Class A State Volleyball Tournament; and

WHEREAS, the 1997 title was Bellevue West's sixth consecutive state volleyball title; and

WHEREAS, the 1997 Bellevue West volleyball team had a 39-1 record and was undefeated against Nebraska teams; and

WHEREAS, Bellevue West volleyball coach Joanne Kappas and the members of the team deserve congratulations on their victory.

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

1. That the Legislature congratulates the 1997 Bellevue West High School

volleyball team and Coach Joanne Kappas.

2. That a copy of this resolution be sent to Bellevue West High School and Coach Joanne Kappas.

Laid over.

## 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.

Public Roads Classifications and Standards Board
Gene Acklie
Arthur Yonkey
William Lindholm

Nebraska Railway Council
Robert Kelly

VOTE: Aye: Senators Bromm, Coordsen, Elmer, Matzke, Dw. Pederson, C. Peterson, and Thompson. Nay: None. Absent: Senator Robinson.

(Signed) Curt Bromm, Chairperson

## AMENDMENTS - Print in Journal

Mrs. Brown filed the following amendment to LB 252:
AM0854

(Amendments to Standing Committee amendments, AM0497)

1. On page 1, line 4, after the comma insert "line 27, after 'entity' insert 'or when the other governmental entity which subsequently hires the law enforcement officer provides the officer with the same training in a police training school again'; and".

Mrs. Crosby filed the following amendment to LB 800:
AM2779

1. Strike the original section and insert the following new section:

"Section 1. (1) Notwithstanding the provisions of section 44-3,131, no policy of accident or health insurance, health services plan, or health maintenance organization subscription shall be offered for sale in this state on or after the effective date of this act unless such policy, plan, subscription, or contract which specifically provides coverage for surgical and nonsurgical treatment involving a bone or joint of the skeletal structure and includes the option to provide coverage for the same diagnostic or surgical procedure involving any other bone or joint of the face, neck, or head through the use of an endorsement or similar amendment. Such endorsement may limit benefits for

14 services to an amount of not less than two thousand five hundred
15 dollars.".

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 777. No objections. So ordered.

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 1199. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 938 and LB 1223. No objections. So ordered.

## WITHDRAW - Cointroducer

Mr. Bruning withdrew his name as cointroducer to LB 1114.

## ANNOUNCEMENT

Speaker Kristensen announced there will be a Committee Chair meeting tomorrow morning, January 22, 1998, at 8:15 a.m., in Room 2102.

## VISITORS

Visitors to the Chamber were Paul Cohan and Laura A. Tomaka from Lombard, Illinois.

The Doctor of the Day was David Adams from Lincoln.

## ADJOURNMENT

At 12:00 noon, on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, January 22, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TENTH DAY – JANUARY 22, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 22, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Pastor Aaron Black, First United Methodist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Jones, Preister, and Mrs. Robak who were excused; and Messrs. Bromm, Dierks, Landis, Schrock, Wesely, Wickersham, Will, Mmes. Hillman, Kiel, Thompson, and Ms. Schimek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 196, line 30, strike "the Executive Board,".
The Journal for the third day was approved as corrected.
Page 356, line 30, before "Chairperson" add "Vice".
The Journal for the ninth day was approved as corrected.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and resolution:

| LB | Committee |
|---|---|
| 1201 | Banking, Commerce and Insurance |
| 1202 | Natural Resources |
| 1203 | Judiciary |
| 1204 | Education |
| 1205 | Agriculture |
| 1206 | Appropriations |
| 1207 | Transportation |

| | |
|---|---|
| 1208 | Natural Resources |
| 1209 | Natural Resources |
| 1210 | Education |
| 1211 | Education |
| 1212 | Natural Resources |
| 1213 | Natural Resources |
| 1214 | Judiciary |
| 1215 | Revenue |
| 1216 | General Affairs |
| 1217 | Education |
| 1218 | Judiciary |
| 1219 | Education |
| 1220 | Judiciary |
| 1221 | Judiciary |
| 1222 | General Affairs |
| 1223 | Health and Human Services |
| 1224 | Judiciary |
| 1225 | Judiciary |
| 1226 | Revenue |
| 1227 | Revenue |
| 1228 | Education |
| 1229 | Education |

| **LR** | **Committee** |
|---|---|
| 317CA | Revenue |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

**MOTION - Print in Journal**

Mr. Abboud filed the following motion to LB 204:
Suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and vote on the advancement of LB 204 without further amendment, motion, or debate.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1274.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to correctional services; to amend section 77-2602, Reissue Revised Statutes of Nebraska, and section 83-905, Revised Statutes Supplement, 1997; to provide juvenile procedures; to rename a fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-925.10, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1275.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1997; to provide for the offense of sexual assault of an inmate or parolee; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1276.** Introduced by Kiel, 9.

A BILL FOR AN ACT relating to education; to provide standards for the education of deaf and hard-of-hearing students; to state intent; to provide duties for the State Department of Education; and to authorize regional educational services.

**LEGISLATIVE BILL 1277.** Introduced by Kiel, 9.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101 and 8-157.01, Reissue Revised Statutes of Nebraska; to define a term; to require notice of a surcharge to automatic teller machine customers; and to repeal the original sections.

**LEGISLATIVE BILL 1278.** Introduced by Engel, 17; Beutler, 28; Bohlke, 33; Bromm, 23; Bruning, 3; Coordsen, 32; Kiel, 9; Landis, 46; D. Pederson, 42; Schmitt, 41; Schrock, 38; Stuhr, 24; Willhoft, 34.

A BILL FOR AN ACT relating to petroleum release claims; to amend sections 66-1501, 66-1519, 81-8,297, 81-8,299, and 81-8,301, Reissue Revised Statutes of Nebraska; to provide for payment of claims as provided; and to repeal the original sections.

**LEGISLATIVE BILL 1279.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,188, Reissue Revised Statutes of Nebraska; to change provisions relating to driver improvement courses; and to repeal the original section.

**LEGISLATIVE BILL 1280.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-1083.03, Revised Statutes Supplement, 1997; to change provisions relating to Class I school district budgets; and to repeal the original section.

## RESOLUTION

**LEGISLATIVE RESOLUTION 319CA.** Introduced by Vrtiska, 1.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 13:

VII-13 "The general government of the state colleges as now existing, and such other state colleges as may be established by law, shall be vested, under the direction of the Legislature, in a board of ~~seven members to be styled as designated by the Legislature, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the Commissioner of Education shall be a member ex officio~~ not less than six nor more than eight trustees, who shall be elected from and by districts as provided in this section, and one student from each of the state colleges who shall serve as nonvoting members. The nonvoting student members shall consist of the student body president of each of the state colleges. The terms of office of elected trustees shall be for four years each. The terms of office of student members shall be for the period of service for student body president. The duties and powers of the board shall be prescribed by law. The ~~, and the~~ members ~~thereof~~ shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred ~~therein~~ in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact trustee districts as there are trustees provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted, the trustees elected prior to 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 terms.".

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 election of trustees for the governing board of the state colleges and for student members to serve on the board.

For

Against".

Referred to the Reference Committee.

## GENERAL FILE

**LEGISLATIVE BILL 33.** Mr. Chambers renewed his pending amendment, FA450, found on page 347, to the pending Standing Committee amendment.

Mr. Hartnett and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

The Standing Committee amendment, AM0137, found on page 675, First Session, 1997, 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.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1281.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to economic development; to adopt the Economic Revitalization Act.

**LEGISLATIVE BILL 1282.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real property; to eliminate provisions relating to mortgages, deeds, and other instruments affecting real estate; and to outright repeal sections 76-261 to 76-263 and 76-265, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1283.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 24-516, 25-1140, 25-1140.09, 25-1542, 25-1904, 25-1907, 25-1908, 25-1911, 25-1913 to 25-1916, 25-1920, 25-1923, 25-1925, 25-1935 to 25-1937, 25-21,233, 25-2728, 25-2731 to 25-2734, 29-611, 29-2302, 29-2306, 29-2308, 29-2317, 29-2319, 29-2525, 31-329, 33-106, 71-3605, 76-715, 76-717, 76-718, 76-720, 76-723, 76-1447, 77-2023, and 83-471, Reissue Revised Statutes of Nebraska, sections 24-312, 25-1901, 43-112, 43-287.05, and 43-2,106.01, Revised Statutes Supplement, 1996, and sections 25-1912, 25-2739, 25-2740, 25-2807, and 30-1601, Revised Statutes Supplement, 1997; to change and eliminate provisions relating to appeals from county court and Small Claims Court; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-2729, 25-2730, and 25-2735 to 25-2738, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1284.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 2-5005, 37-202.01, 37-203, 37-204.01, 37-204.02, 37-205, 37-207, 37-227, 37-306, 37-501, 37-501.01, 37-513, 37-535 to 37-538, 37-713, 37-714, 37-716 to 37-718, 37-726, 37-1101, 37-1102, 37-1105, 37-1107.01 to 37-1114, 37-1228, 81-805, and 81-811, Reissue Revised Statutes of Nebraska, sections 37-202.02, 37-202.03, 37-204, 37-206,

37-213, 37-216.02, 37-216.05 to 37-216.07, 37-304.01, 37-439, 37-702, 37-703, 37-705 to 37-707, 37-711, 37-711.01, and 37-1226, Revised Statutes Supplement, 1996, and sections 37-202, 37-215, 37-216.01, 37-505, 37-715, 37-1103, and 37-1214, Revised Statutes Supplement, 1997; to change provisions relating to the expiration of permits and stamps; to provide for electronic issuance of licenses, permits, stamps, and motorboat registration renewals; to provide fees; to change procedures on the issuance and display of licenses, permits, and stamps; to change permit and penalty provisions; to change provisions relating to importation, exportation, release, and exploitation of wildlife species; to change and eliminate provisions relating to aquaculture, game and fur farming, and dog training; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1285.** Introduced by Bohlke, 33; Wehrbein, 2.

A BILL FOR AN ACT relating to postsecondary education; to create the Higher Education Planning Team; to provide powers and duties; and to state intent.

**LEGISLATIVE BILL 1286.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.14, Reissue Revised Statutes of Nebraska; to change a sales factor used to calculate income tax; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1287.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,119, Revised Statutes Supplement, 1996; to provide for a special notation on a minor's driver's license; and to repeal the original section.

**LEGISLATIVE BILL 1288.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to public utilities; to amend sections 14-2113, 14-2114, 14-2116, 14-2119, 14-2120, 14-2122, and 16-673, Reissue Revised Statutes of Nebraska; to authorize natural gas contracts; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1289.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to property tax; to amend section 32-519, Revised Statutes Supplement, 1996; to authorize the reassumption of assessment duties in certain counties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1290.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend section 77-27,189, Reissue Revised Statutes of Nebraska, and section 77-27,188, Revised Statutes Supplement, 1997; to change provisions relating to enterprise zones; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1291.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to inheritance tax; to amend section 77-2004, Revised Statutes Supplement, 1997; to change the exempt amount; and to repeal the original section.

**LEGISLATIVE BILL 1292.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3507, Revised Statutes Supplement, 1997; to change income levels; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1293.** Introduced by Hartnett, 45; Abboud, 12; Janssen, 15.

A BILL FOR AN ACT relating to emergency services; to amend section 35-513, Reissue Revised Statutes of Nebraska, and section 35-508, Revised Statutes Supplement, 1996; to adopt the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1294.** Introduced by Bromm, 23; Coordsen, 32; Engel, 17; Jensen, 20.

A BILL FOR AN ACT relating to damage awards; to amend sections 20-148 and 48-1119, Reissue Revised Statutes of Nebraska; to limit awards as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 1295.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public contracts; to define terms; and to provide for retainage from payments as prescribed.

**LEGISLATIVE BILL 1296.** Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to agriculture; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Beginning Farmer Tax Credit Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1297.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-609 and 84-914, Reissue Revised Statutes of Nebraska, and sections

86-802 to 86-804, 86-809, 86-811, and 86-1405, Revised Statutes Supplement, 1997; to change provisions relating to access charges; to provide an eligibility condition for universal service funding; to establish standards for interconnection service quality; to state intent; to provide powers and duties for the Public Service Commission; to change an ex parte communications requirement; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 1298.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor fuel tax; to amend sections 66-4,142 and 66-4,144, Revised Statutes Supplement, 1997; to change the manner of setting variable fuel tax rates; to eliminate the State Tax Board; to repeal the original sections; to outright repeal sections 77-501 to 77-503, Revised Statutes Supplement, 1997; and to declare an emergency.

**LEGISLATIVE BILL 1299.** Introduced by Bromm, 23; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; Robinson, 16; Thompson, 14.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-910 and 81-8,219, Reissue Revised Statutes of Nebraska; to limit political subdivision and state immunity for certain claims; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1300.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to schools; to amend sections 79-102 and 79-407, Revised Statutes Supplement, 1997; to change provisions relating to classification of school districts; and to repeal the original sections.

**LEGISLATIVE BILL 1301.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-1001, Revised Statutes Supplement, 1997; to provide for identification of students with limited English proficiency; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1302.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend sections 85-1102, 85-1103.01, and 85-1105, Reissue Revised Statutes of Nebraska; to provide for a petition for approval of graduate level and professional level private colleges; and to repeal the original sections.

**LEGISLATIVE BILL 1303.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 9-812, 79-8,111, 79-8,113, and 79-8,116, Reissue Revised Statutes of Nebraska; to adopt the Charter Schools Act; to change provisions relating to the

Education Innovation Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1304.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-1022, Revised Statutes Supplement, 1997; to change provisions relating to state aid payments; and to repeal the original section.

**LEGISLATIVE BILL 1305.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to political subdivisions; to require a study of facilities under the control of political subdivisions; and to provide duties for the Department of Administrative Services.

**LEGISLATIVE BILL 1306.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to certificates of title; to amend sections 37-1291 and 60-114, Revised Statutes Supplement, 1996, and sections 32-1278, 37-1286, and 60-106, Revised Statutes Supplement, 1997; to require notarized signatures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1307.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to liens; to amend sections 52-1001, 52-1004, 77-3902, and 77-3903, Reissue Revised Statutes of Nebraska, and sections 9-402, 9-408, and 9-414, Uniform Commercial Code; to change provisions relating to lien filings and filing fees and the state's central filing system; and to repeal the original sections.

**LEGISLATIVE BILL 1308.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2542, and 29-2543, Reissue Revised Statutes of Nebraska; to change the method of inflicting the death penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1309.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to children; to amend section 43-104, Revised Statutes Supplement, 1996; to adopt the Uniform Child-Custody Jurisdiction and Enforcement Act; to repeal the Nebraska Child Custody Jurisdiction Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 43-1201, 43-1203 to 43-1214, and 43-1215 to 43-1224, Reissue Revised Statutes of Nebraska, and sections 43-1202, 43-1214.01, and 43-1225, Revised Statutes Supplement, 1996.

**LEGISLATIVE BILL 1310.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to solid waste; to amend sections 13-2020 and 13-2042, Reissue Revised Statutes of Nebraska; to authorize combined billing of utility charges; to change a provision relating to the landfill disposal fee; and to repeal the original sections.

**LEGISLATIVE BILL 1311.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 3-504, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3443, Revised Statutes Supplement, 1997; to change levy provisions relating to city airport authorities; and to repeal the original sections.

**LEGISLATIVE BILL 1312.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to highways; to amend section 39-1323.01, Reissue Revised Statutes of Nebraska; to provide restrictions relating to the lease, rental, license, or permit for use of state lands acquired for highway use by the Director-State Engineer; and to repeal the original section.

## RESOLUTION

**LEGISLATIVE RESOLUTION 320CA.** Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 31 to Article III:

III-31 "The legislature may, as provided by law, hire legal counsel to defend any law challenged as unconstitutional by the Attorney General if the Legislature finds that the Attorney General has a conflict of interest or insufficient expertise to appoint appropriate legal counsel or as determined by the Legislature.".

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 hire legal counsel to defend a law challenged as unconstitutional by the Attorney General.

For

Against".

Referred to the Reference Committee.

## UNANIMOUS CONSENT - Member Excused

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

## NOTICE OF COMMITTEE HEARINGS
### Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 1080 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1167 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1060 | Thursday, January 29, 1998 | 1:30 p.m. |
| LB 1122 | Thursday, January 29, 1998 | 1:30 p.m. |

(Signed) C. N. "Bud" Robinson, Chairperson

### Health and Human Services

| | | |
|---|---|---|
| LB 1223 | Thursday, January 29, 1998 | 1:30 p.m. |

(Signed) Don Wesely, Chairperson

### Judiciary

| | | |
|---|---|---|
| LB 1150 | Thursday, January 29, 1998 (Canceled) | 1:30 p.m. |

(Signed) Kermit A. Brashear, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 629.** Title read. Considered.

Mrs. Crosby withdrew her amendment, AM2731, found on page 192.

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

Mr. Chambers moved to indefinitely postpone LB 629.

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

Mr. Chambers withdrew his motion to indefinitely postpone.

Advanced to E & R for review with 25 ayes, 1 nay, 15 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 1313.** Introduced by Nebraska Retirement Systems Committee: Janssen, 15, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to adopt the Uniform Management of Public Employee Retirement Systems Act; and to provide severability.

**LEGISLATIVE BILL 1314.** Introduced by Bohlke, 33; Bromm, 23; Elmer, 44.

A BILL FOR AN ACT relating to schools; to amend section 79-1027, Reissue Revised Statutes of Nebraska; to change provisions relating to budget restrictions; to provide for joint cash reserve funds; and to repeal the original section.

**LEGISLATIVE BILL 1315.** Introduced by Lynch, 13.

A BILL FOR AN ACT relating to insurance; to amend section 44-4006, Reissue Revised Statutes of Nebraska; to provide an exemption from licensing requirements; and to repeal the original section.

**LEGISLATIVE BILL 1316.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-494, Reissue Revised Statutes of Nebraska, sections 60-493 and 60-4,115, Revised Statutes Supplement, 1996, and section 60-4,148, Revised Statutes Supplement, 1997; to change provisions relating to anatomical gifts and fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1317.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to juveniles; to amend section 43-250, Revised Statutes Supplement, 1997; to create the teen court program; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1318.** Introduced by Bromm, 23; Kristensen, 37; D. Pederson, 42.

A BILL FOR AN ACT relating to banks and capital stock financial institutions; to amend section 13-801, Reissue Revised Statutes of Nebraska; to adopt the Public Funds Deposit and Investment Regulation Act; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 1319.** Introduced by Robinson, 16; Bruning, 3.

A BILL FOR AN ACT relating to counties; to create the Commission for the Study of County Government; to state intent; to provide duties; and to provide a termination date.

**LEGISLATIVE BILL 1320.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to filings and recordings; to amend sections 52-202, 52-203, 52-501, 52-701, 52-902, 52-1102, 52-1202, 52-1307, 52-1312, 52-1313, 54-201, and 54-208, Reissue Revised Statutes of Nebraska, section 52-1316, Revised Statutes Supplement, 1997, and sections 9-401, 9-402, 9-403, 9-412, 9-413, 9-414, and 9-415, Uniform Commercial Code; to change filing provisions relating to liens and secured transactions; to provide duties for the Secretary of State; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1321.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to filings and recordings; to amend sections 52-202, 52-203, 52-501, 52-701, 52-902, 52-1102, 52-1202, 52-1307, 52-1312, 52-1313, 52-1315, 52-1601, 54-201, 54-208, and 77-3903, Reissue Revised Statutes of Nebraska, section 52-1316, Revised Statutes Supplement, 1997, and sections 9-401, 9-402, 9-403, 9-405, 9-412, 9-413, 9-414, and 9-415, Uniform Commercial Code; to change filing provisions relating to statutory liens and secured transactions; to provide duties for the Secretary of State; to eliminate certain duties of the county clerks as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1322.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-208, Reissue Revised Statutes of Nebraska, and sections 37-101 and 37-102, Revised Statutes Supplement, 1997; to provide for the licensure of outfitters; to authorize the issuance of certain hunting permits; to provide powers and duties; to define terms; to provide fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1323.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to provide services to persons with developmental disabilities.

**LEGISLATIVE BILL 1324.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health; to adopt the Native American Public Health Fund Act.

**LEGISLATIVE BILL 1325.** Introduced by Schrock, 38; Jensen, 20.

A BILL FOR AN ACT relating to historical vehicles; to amend sections 60-117 and 60-311.20, Reissue Revised Statutes of Nebraska; to provide for the issuance of a certificate of title; to provide for fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1326.** Introduced by Elmer, 44.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1558, Reissue Revised Statutes of Nebraska; to eliminate transfers of funds to the Waste Reduction and Recycling Incentive Fund; and to repeal the original section.

**LEGISLATIVE BILL 1327.** Introduced by Hartnett, 45; Brown, 6; Janssen, 15; Jensen, 20; Dw. Pedersen, 39; D. Pederson, 42; Raikes, 25; Schellpeper, 18; Will, 8.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2702.07, 77-2702.17, and 77-2704.30, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Supplement, 1997; to exempt certain transfers of telecommunications equipment; to redefine terms; to harmonize provisions; to provide applicability; and to repeal the original sections.

**LEGISLATIVE BILL 1328.** Introduced by Wickersham, 49; Matzke, 47; D. Pederson, 42.

A BILL FOR AN ACT relating to schools; to provide grants for educational programs; to create a fund; to provide for a committee; and to provide standards for grants.

**LEGISLATIVE BILL 1329.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor fuel laws; to amend sections 66-712 and 66-719 to 66-722, Reissue Revised Statutes of Nebraska; to change provisions and procedures relating to enforcement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1330.** Introduced by Hillman, 48; Engel, 17; Matzke, 47; Maurstad, 30; Schellpeper, 18; Schrock, 38; Tyson, 19.

A BILL FOR AN ACT relating to the Political Subdivisions Self-Funding Benefits Act; to amend sections 13-1602, 13-1611, 13-1614, 13-1617, and 13-1620, Reissue Revised Statutes of Nebraska; to change provisions relating to participation, establishment, and administration; to provide duties; to redefine a term; to restate intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1331.** Introduced by Dierks, 40; Coordsen, 32; Schmitt, 41; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to schools; to amend sections 77-3444 and 79-1083.03, Revised Statutes Supplement, 1997; to change provisions relating to Class I district levies and budgets; to eliminate provisions relating to transfer of land between districts and primary high school districts; to

harmonize provisions; to repeal the original sections; and to outright repeal sections 79-458 and 79-1083.02, Revised Statutes Supplement, 1997.

**LEGISLATIVE BILL 1332.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to zoning regulations; to amend sections 23-114.03 and 23-114.04, Reissue Revised Statutes of Nebraska; to change county zoning provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1333.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18; and Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301, Revised Statutes Supplement, 1996, and sections 60-3001 and 60-3004, Revised Statutes Supplement, 1997; to redefine the term truck for purposes of motor vehicle registration and fees and taxes; to change provisions relating to motor vehicle taxes; and to repeal the original sections.

## RESOLUTION

**LEGISLATIVE RESOLUTION 321.** Introduced by Brashear, 4.

WHEREAS, the Legislature finds that Legislative Resolution 26CA passed by the Ninety-fifth Legislature, First Session, 1997, proposing an amendment to the Constitution of Nebraska should not be submitted to a vote of the people.

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

1. That Legislative Resolution 26CA, Ninety-fifth Legislature, First Session, 1997, is recalled and the proposed amendment to the Constitution of Nebraska contained in the resolution shall not be submitted to the electors of the state for approval or rejection.

2. That the Clerk of the Legislature deliver a copy of this resolution to the Secretary of State and request the return of LR26CA.

Referred to the Reference Committee.

## UNANIMOUS CONSENT - Members Excused

Mmes. Suttle and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 855.** Title read. Considered.

Standing Committee amendment, AM0462, found on page 758, First Session, 1997, was considered.

Mr. Abboud offered the following amendment to the Standing Committee amendment:
AM2833

(Amendments to Standing Committee amendments, AM0462)

1. Strike original amendments 1 and 2 and insert the following new amendments:

"1. Strike original sections 1 to 9 and insert the following new section:

'Section 1. Section 35-109, Revised Statutes Supplement, 1997, is amended to read:

35-109. ~~No~~ Any siren or other similar device whose primary purpose is to warn the public of a natural or manmade emergency or disaster ~~shall be~~ used to notify volunteer firefighters of a fire or to summon volunteer firefighters to a fire shall only be located in an area zoned exclusively for commercial or industrial use. This section applies only to cities of the first class located within a county which contains a city of the metropolitan class.'.

2. On page 9, line 13, strike '35-508, 35-513,'; and in line 14, before 'are' insert 'and section 35-109, Revised Statutes Supplement, 1997,'.".

**SPEAKER KRISTENSEN PRESIDING**

Messrs. Coordsen and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Abboud amendment was adopted with 25 ayes, 0 nays, 15 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 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Witek asked unanimous consent to be excused until she 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.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1334.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to labor; to adopt the One Day Rest in Seven Act; and to provide a penalty.

**LEGISLATIVE BILL 1335.** Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-1001, 79-1003, and 79-1031.01, Revised Statutes Supplement, 1997; to state intent; to provide for state aid funding; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1336.** Introduced by Bohlke, 33; Wickersham, 49.

A BILL FOR AN ACT relating to education; to amend section 9-812, Reissue Revised Statutes of Nebraska; to develop a mentor teacher program; to change the allocation of lottery proceeds; to provide duties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1337.** Introduced by Thompson, 14; Hillman, 48; Dw. Pedersen, 39; C. Peterson, 35; Suttle, 10.

A BILL FOR AN ACT relating to juveniles; to provide for a study; to create a task force; to state intent; and to declare an emergency.

**LEGISLATIVE BILL 1338.** Introduced by Thompson, 14; Bruning, 3; Hartnett, 45; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Supplement, 1997; to change provisions relating to trustees; and to repeal the original section.

**LEGISLATIVE BILL 1339.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to pharmacy; to amend section 71-1,147.14, Reissue Revised Statutes of Nebraska; to provide for applicability; and to repeal the original section.

**LEGISLATIVE BILL 1340.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to plumbing; to adopt the Plumbing License Law.

**LEGISLATIVE BILL 1341.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to county sheriffs; to amend sections 23-1114.02 to 23-1114.06, Reissue Revised Statutes of Nebraska; to change minimum salary provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1342.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1005.01, 79-1008.01, and 79-1017.01, Revised Statutes Supplement, 1997; to eliminate the minimum levy adjustment; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1008.02, Revised Statutes Supplement, 1997.

**LEGISLATIVE BILL 1343.** Introduced by Witek, 31.

A BILL FOR AN ACT relating to schools; to amend section 32-543, Revised Statutes Supplement, 1997; to change provisions relating to election of Class III district board members as prescribed; and to repeal the original section.

## GENERAL FILE

**LEGISLATIVE BILL 376.** Title read. Considered.

Messrs. Matzke, Lynch, Beutler, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1344.** Introduced by Thompson, 14; Hilgert, 7; Kiel, 9; Suttle, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-209, Reissue Revised Statutes of Nebraska; to provide for written absenteeism and truancy policies; and to repeal the original section.

**LEGISLATIVE BILL 1345.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to special education; to amend section 71-1902, Reissue Revised Statutes of Nebraska, section 83-108.04, Revised Statutes Supplement, 1996, and sections 79-215 and 79-1155, Revised Statutes Supplement, 1997; to change provisions relating to the placement of children in foster care and wards of the state; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1346.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to villages; to amend sections 17-215, 17-216, and 17-218 to 17-219.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the dissolution of villages; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1347.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to parking; to provide for wheelchair lift warning cones.

**LEGISLATIVE BILL 1348.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to handicapped or disabled parking permits; to amend sections 18-1736 to 18-1738.01, 18-1741, and 18-1741.01, Reissue Revised Statutes of Nebraska; to change provisions relating to designation of spaces, signs, applications for permits, violations, and handicapped parking infractions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1349.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1463.01, 28-1463.02, 28-1463.03, and 28-1463.05, Reissue Revised Statutes of Nebraska; to change provisions relating to the Child Pornography Prevention Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1350.** Introduced by Will, 8.

A BILL FOR AN ACT relating to schools; to create the Nebraska High School Hall of Fame; and to create a board.

**LEGISLATIVE BILL 1351.** Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-110, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 1996; to change provisions relating to qualifications of commissioners and employees; to provide for disqualification from decisions of the commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1352.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to schools; to amend section 79-1083.03, Revised Statutes Supplement, 1997; to change provisions relating to Class I school district budgets; to provide severability; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1353.** Introduced by Maurstad, 30; Brashear, 4; Brown, 6; Engel, 17; Hillman, 48; Kristensen, 37; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Robinson, 16; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to community corrections; to amend sections 83-931 to 83-933 and 83-939, Reissue Revised Statutes of Nebraska, section 83-922, Revised Statutes Supplement, 1996, and section 29-2262, Revised Statutes Supplement, 1997; to establish the Office of Community Corrections within the Department of Correctional Services; to define terms; to provide for local community corrections boards; to provide for financial aid for community corrections programs; to rename the Division of Community-Centered Services; to eliminate the Community Correctional Facilities and Programs Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 47-601 to 47-615, and 47-618, Reissue Revised Statutes of Nebraska, section 47-617, Revised Statutes of Nebraska, 1996, and section 47-616, Revised Statutes Supplement, 1997; and to declare an emergency.

**LEGISLATIVE BILL 1354.** Introduced by Wesely, 26; Tyson, 19.

A BILL FOR AN ACT relating to mental health; to adopt the Mental Health Access Act.

**LEGISLATIVE BILL 1355.** Introduced by Bohlke, 33; Beutler, 28; Bromm, 23.

A BILL FOR AN ACT relating to livestock; to amend sections 81-1501 to 81-1503, 81-1506 to 81-1508.02, 81-1511, and 81-1512, Reissue Revised Statutes of Nebraska, and sections 81-1504, 81-1505, and 81-3453, Revised Statutes Supplement, 1997; to adopt the Livestock Waste Management Act; to create a fund; to provide duties for the Environmental Quality Council, the Department of Environmental Quality, and the Department of Water Resources; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1356.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-173 and 83-192, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Supplement, 1997; to provide for a community furlough program; to provide powers and duties for the Department of Correctional Services and the Board of Parole; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1357.** Introduced by Abboud, 12; Jensen, 20.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-567, Revised Statutes Supplement, 1996; to change provisions relating

to county board vacancies; and to repeal the original section.

**LEGISLATIVE BILL 1358.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-803, Revised Statutes Supplement, 1997; to change provisions relating to cost recovery; and to repeal the original section.

**LEGISLATIVE BILL 1359.** Introduced by Elmer, 44; Stuhr, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-1007.02, Revised Statutes Supplement, 1997; to change provisions relating to cost groupings; and to repeal the original section.

**LEGISLATIVE BILL 1360.** Introduced by Dw. Pedersen, 39; Crosby, 29; Dierks, 40; Engel, 17; Hilgert, 7; Jensen, 20; Witek, 31.

A BILL FOR AN ACT relating to schools; to prohibit school-based health clinics and pregnancy testing as prescribed; and to require notification of a pregnant student's parents or guardian.

**LEGISLATIVE BILL 1361.** Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Revised Statutes Supplement, 1997; to change income tax rates; to provide an operative date; and to repeal the original section.

## STANDING COMMITTEE REPORT
## Urban Affairs

**LEGISLATIVE BILL 975.** Placed on General File as amended.
Standing Committee amendment to LB 975:
AM2825

1. On page 3, reinstate the stricken matter beginning with "a" in line 1 through line 2 and before the reinstated matter insert "the requesting county if"; in line 2 after the reinstated "county" insert "is" and strike the new matter.

(Signed) D. Paul Hartnett, Chairperson

## ANNOUNCEMENT

Mrs. Thompson designates LB 1142 as her priority bill.

## AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 376:
FA451

1. Page 2, line 11, strike "fifty" and show as stricken and insert "one

hundred".

2. Page 2, line 13, strike "hundred thousand" and show as stricken and insert "million".

3. Page 2, line 14, strike "ten" and show as stricken and insert "one hundred".

4. Page 2, line 24, after "from", insert "any member of", and put a period after "board", and strike "or any of its members."

Mr. Jensen filed the following amendment to LB 504:
AM0972

(Amendments to Standing Committee amendments, AM0504)

1. Insert the following new amendment:

"2. On page 3, line 17, strike 'ten', show as stricken, and insert 'five'.".

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 109.** Placed on Select File as amended.
E & R amendment to LB 109:
AM7180

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) The chief or head official of the fire department, fire inspectors as may be designated by such chief or head official, or inspectors charged with the enforcement of fire, health, or safety codes and constructional technical codes of a city of the first class, city of the primary class, or city of the metropolitan class shall have the authority, after being trained, to issue special citations as described in this section for violations that constitute infractions.

(2) Special citations issued pursuant to this section shall be equivalent to and have the same legal effect as citations issued in lieu of arrest or continued custody by a peace officer.

(3) Special citations may be issued only for violations of fire, health, and safety codes and constructional technical codes (a) that constitute infractions, (b) that are violations of the fire, health, or safety code or constructional technical code that the official or inspector issuing the special citation is charged with enforcing, and (c) in which the case circumstances do not pose a danger to the official or inspector.

Sec. 2. Section 29-424, Reissue Revised Statutes of Nebraska, is amended to read:

29-424. When a citation is used by a peace officer or when a special citation is used by an official or inspector pursuant to section 1 of this act, he or she shall enter thereon all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited

requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, the copy signed by the person cited shall be delivered to the prosecuting attorney.

At least twenty-four hours before the time set for the appearance of the cited person, either the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with an offense or such person shall be released from the obligation to appear as specified. A person cited pursuant to sections 29-422 to 29-429 may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers.

Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs.

Sec. 3. Original section 29-424, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, strike beginning with "sections" in line 1 through line 6 and insert "section 29-424, Reissue Revised Statutes of Nebraska; to authorize the issuance of special citations by certain officials and inspectors for violations of fire, health, and safety codes and constructional technical codes; to harmonize provisions; and to repeal the original section.".

**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.

(Signed) Jon C. Bruning, Chairperson

## UNANIMOUS CONSENT - Add Cointroducers

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 1354. No objections. So ordered.

Mrs. Kiel asked unanimous consent to have her name added as cointroducer to LB 1042, LB 1082, LB 1183, and LB 1267. No objections. So ordered.

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 1229. No objections. So ordered.

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 428. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1268. No objections. So ordered.

## WITHDRAW - Cointroducer

Mr. Beutler withdrew his name as cointroducer to LB 1228.

## VISITORS

Visitors to the Chamber were Senator Vrtiska's wife, Doris, son and daughter-in-law, Kim and Kris, and Tom Doran; and a group from Peru, Nebraska.

## ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Vrtiska, the Legislature adjourned until 9:00 a.m., Friday, January 23, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# ELEVENTH DAY – JANUARY 23, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 23, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Pastor Michael Clement, Bible Baptist Church, Scottsbluff, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Cudaback, Preister, Wesely, and Mrs. Robak who were excused; and Messrs. Abboud, Beutler, Coordsen, Hilgert, Matzke, D. Pederson, Wickersham, Will, Mmes. Bohlke, Kiel, and C. Peterson who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 896.** Placed on Select File.
**LEGISLATIVE BILL 897.** Placed on Select File.
**LEGISLATIVE BILL 898.** Placed on Select File.
**LEGISLATIVE BILL 899.** Placed on Select File.
**LEGISLATIVE BILL 900.** Placed on Select File.

**LEGISLATIVE BILL 901.** Placed on Select File as amended.
E & R amendment to LB 901:
AM7182
1. On page 3, line 15, strike "23-174.01", show as stricken, and insert "23-174.09".

**LEGISLATIVE BILL 902.** Placed on Select File.

**LEGISLATIVE BILL 903.** Placed on Select File as amended.
E & R amendment to LB 903:
AM7183

1. On page 12, strike line 9 and show as stricken.
2. On page 13, line 16, strike "provided", show as stricken, and insert an underscored comma and after "with" insert an underscored comma.

**LEGISLATIVE BILL 904.** Placed on Select File as amended.
E & R amendment to LB 904:
AM7181

1. On page 1, line 6; and page 4, line 21, strike "and 79-1179 to" and insert ", 79-1179, 79-1180, and".
2. On page 1, line 7; and page 4, line 22, before the period insert ", and sections 79-1181 and 79-1182, Revised Statutes Supplement, 1997".

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 939.** Placed on General File.
**LEGISLATIVE BILL 1015.** Placed on General File.

(Signed) William R. Wickersham, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and the rereferral of LB 1176:

| LB | Committee |
|---|---|
| 1176 | Education |
| 1230 | Banking, Commerce and Insurance |
| 1231 | Revenue |
| 1232 | Natural Resources |
| 1233 | Judiciary |
| 1234 | Judiciary |
| 1236 | Banking, Commerce and Insurance |
| 1237 | Banking, Commerce and Insurance |
| 1238 | Banking, Commerce and Insurance |
| 1239 | Revenue |
| 1240 | Education |
| 1241 | General Affairs |
| 1242 | Judiciary |
| 1243 | Government, Military and Veterans Affairs |
| 1244 | Health and Human Services |

1245 Banking, Commerce and Insurance
1246 Government, Military and Veterans Affairs
1247 Appropriations
1248 Agriculture
1249 Government, Military and Veterans Affairs
1250 Judiciary
1251 Banking, Commerce and Insurance
1252 Revenue
1253 Natural Resources
1254 Government, Military and Veterans Affairs
1255 Business and Labor
1256 Transportation
1257 Health and Human Services
1258 Education
1259 Urban Affairs
1260 Revenue
1261 General Affairs
1262 General Affairs
1263 Judiciary
1264 Transportation
1265 Agriculture
1266 Judiciary
1267 Health and Human Services
1268 Transportation
1269 Transportation
1270 Education
1271 Health and Human Services
1272 Health and Human Services
1273 Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 22, 1998, 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

Babcock, Marsha L. - Omaha; Mechanical Contractors Association of Omaha; Sierra Club of Nebraska
Boucher Law Firm
Boucher, Richard - Lincoln; American Massage Therapy Association Nebraska Chapter
Cline, Williams, Wright, Johnson & Oldfather

Campbell, Mary M. - Lincoln; American Business Information, Inc.
Cutshall & Associates
Cutshall, Bruce A. - Lincoln; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)
Gale, Kristine A. - Omaha; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)
Gigstad, Carolyn D. - Lincoln; American Consulting Engineers Council of Nebraska; Nebraska Society of Professional Engineers
Hartmann, William - Lincoln; Associated General Contractors, Nebraska Chapter
Kissel/E&S Associates, L.L.C.
Kissel, Gordon - Lincoln; Aspen Aftercare
Lynch, Kristin - Lincoln; Kelley, Lehan & Hall, P.C.
Meerkatz, Marilyn - Lincoln; Class I's United
Mueller, William J./Ruth & Mueller Law Firm
Mueller, William J. - Lincoln; Cutshall & Associates; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA); MultiState Associates Incorporated on behalf of Associated Credit Bureaus; MultiState Associates Incorporated on behalf of Baxter Healthcare Corporation; Sterling House
O'Hara & Associates
O'Hara, Paul V. - Lincoln; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)
Pappas, James E. - Lincoln; Millard, Elkhorn, Papillion, LaVista Public Schools
Radcliffe and Associates
Radcliffe, Walter H. - Lincoln; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)
Rogert, Suzanne M. - Lincoln; Kelley, Lehan & Hall, P.C.
Ruth, Larry L./Ruth & Mueller Law Firm
Ruth, Larry L. - Lincoln; Cutshall & Associates; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA); MultiState Associates Incorporated on behalf of Associated Credit Bureaus; MultiState Associates Incorporated on behalf of Baxter Healthcare Corporation; Sterling House
Scanlan, Jeffrey L. - Plattsmouth; Cornhusker Casualty Company
Schmad, Timothy David - Omaha; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)
Schoenrock, Robert L. - Lincoln; Brotherhood of Maintenance of Way Employees
Schwartz, Julia P. - Omaha; Children's Healthcare Services
Smith, Roy A. - Omaha; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)
Swertzic, Michelle - Lincoln; Nebraska Propane Gas Association
Thormahlen, Virginia L. - Scottsbluff; American Association of Retired Persons
Wright, Norman H. - Omaha; Multistate Associates Incorporated on behalf of Airtouch Communications; Western Surety Company

## NOTICE OF COMMITTEE HEARINGS
### Appropriations

Friday, January 30, 1998, Room 1003 1:30 p.m.
Agency 33 - Game and Parks Commission (Canceled)

(Signed) Roger R. Wehrbein, Chairperson

### Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 1053 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 1249 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 1246 | Friday, January 30, 1998 | 1:30 p.m. |

(Signed) C. N. "Bud" Robinson, Chairperson

## REPORTS

The following reports were received by the Legislature:

**Auditor of Public Accounts**
- Correctional Services Adult Parole Administration - FY96
- Retirement Systems Deferred Compensation Plan - FY 96
- Retirement Systems - State and County Employees' Retirement Plans - FY96
- Revenue Cigarette Tax Receipts - FY97
- Chadron State College Accountants' Reports and Financial Statements - FY97
- Wayne State College Accountants' Reports and Financial Statements - FY97
- Peru State College Accountants' Reports and Financial Statements - FY97
- Nebraska Abstracters' Board of Examiners - FY97
- Nebraska Lottery - FY97

**Environmental Quality, Department of**
- Wastewater Construction Grants, Program #518 Semi-annual Report
- Small Town Grants Program #523

**Health and Human Services System, Nebraska**
- Office of the System Advocate Report and Overview for 1997

**Investment Finance Authority, Nebraska (NIFA)**
- Series A and Series B Community Development Loan Notes Quarterly Report

## RESOLUTION

**LEGISLATIVE RESOLUTION 318.** Read. Considered.

LR 318 was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

## MOTION - Approve Appointments

Mr. Bromm moved the adoption of the report of the Transportation Committee for the following Governor appointments found on page 367: Gene Acklie, Arthur Yonkey, William Lindholm - Public Roads Classifications and Standards Board; Robert Kelly - Nebraska Railway Council.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Bromm | Elmer | Landis | Schimek | Tyson |
| Brown | Hillman | Lynch | Schmitt | Vrtiska |
| Bruning | Hudkins | Maurstad | Schrock | Wehrbein |
| Coordsen | Janssen | Pedersen, Dw. | Stuhr | Willhoft |
| Crosby | Jensen | Robinson | Thompson | Witek |
| Dierks | Jones | | | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Brashear | Engel | Kristensen | Schellpeper | Suttle |
| Chambers | Hartnett | Raikes | | |

Excused and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Matzke | Preister | Wickersham |
| Beutler | Hilgert | Pederson, D. | Robak | Will |
| Bohlke | Kiel | Peterson, C. | Wesely | |

The appointments were confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 234.** Title read. Considered.

Standing Committee amendment, AM0493, found on page 773, First Session, 1997, was considered.

Mrs. Hillman and Mr. Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Brashear renewed his pending amendment, AM0838, found on page 938, First Session, 1997, to the Standing Committee amendment.

The Brashear amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

The Standing Committee amendment, as amended, 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 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 252.** Title read. Considered.

Standing Committee amendment, AM0497, found on page 806, First Session, 1997, was considered.

Mrs. Brown renewed her pending amendment, AM0854, found on page 367, to the Standing Committee amendment.

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

Mr. Bromm requested a ruling of the Chair on whether the Brown amendment is germane to the Standing Committee amendment.

Mrs. Brown withdrew her amendment.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA452
Amendment to Committee Amendment
In lines 2 & 3, strike "five thousand dollars" and insert "one dollar".

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

Mr. Chambers withdrew his amendment.

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

Mr. Robinson moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Robinson requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Bromm | Coordsen | Dierks | Engel | Hudkins |
| Bruning | Crosby | Elmer | Hartnett | Janssen |

| | | | | |
|---|---|---|---|---|
| Jones | Maurstad | Robinson | Stuhr | Wehrbein |
| Kristensen | Pederson, D. | Schellpeper | Tyson | Wickersham |
| Matzke | Raikes | Schrock | Vrtiska | Willhoft |

Voting in the negative, 12:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hilgert | Pedersen, Dw. | Schimek | Thompson |
| Brown | Kiel | Peterson, C. | Suttle | Witek |
| Chambers | Landis | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Brashear | Hillman | Jensen |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Preister | Schmitt | Will |
| Beutler | Lynch | Robak | Wesely | |

The Standing Committee amendment was adopted with 25 ayes, 12 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Janssen renewed his pending amendment, AM2790, found on page 339.

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

The Janssen amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 252.

Laid over.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 318.

## GENERAL FILE

**LEGISLATIVE BILL 299.** Title read. Considered.

Standing Committee amendment, AM0464, found on page 813, First Session, 1997, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mrs. Suttle withdrew her amendment, AM0824, found on page 1381, First Session, 1997.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 656.** Title read. Considered.

Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM0521, found on page 834, First Session, 1997, was considered.

**SPEAKER KRISTENSEN PRESIDING**

The Standing Committee amendment lost with 3 ayes, 22 nays, 14 present and not voting, and 10 excused and not voting.

The Beutler amendment, AM0807, found on page 937, First Session, 1997, was withdrawn.

Mr. Jones renewed the Beutler-Jones pending amendment, AM2782, found on page 273.

Mr. Robinson and Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 33.** Placed on Select File as amended.
E & R amendment to LB 33:
AM7185

1. On page 1, strike beginning with "sections" in line 1 through line 6 and insert "section 23-1517.02, Reissue Revised Statutes of Nebraska; to change provisions relating to computer records maintained by the register of deeds; to repeal the original section; and to declare an emergency.".

**LEGISLATIVE BILL 629.** Placed on Select File as amended.
E & R amendment to LB 629:
AM7187

1. Because of the amendment of section 79-102 by Laws 1997, LB 345, section 6, strike the original sections and insert the following new sections:

"Section 1. Section 79-102, Revised Statutes Supplement,

1997, is amended to read:

79-102. School districts in this state are classified as follows:

(1) Class I includes any school district that maintains only elementary grades under the direction of a single school board;

(2) Class II includes any school district embracing territory having a population of one thousand inhabitants or less that maintains both elementary and high school grades under the direction of a single school board;

(3) Class III includes any school district embracing territory having a population of more than one thousand and less than one hundred thousand inhabitants that maintains both elementary and high school grades under the direction of a single school board;

(4) Class IV includes any school district embracing territory having a population of one hundred thousand or more ~~and less than two hundred thousand~~ inhabitants with a city of the primary class within the territory of the district that maintains both elementary and high school grades under the direction of a single school board;

(5) Class V includes any school district embracing territory having a population of two hundred thousand or more inhabitants with a city of the metropolitan class within the territory of the district that maintains both elementary grades and high school grades under the direction of a single school board; and

(6) Class VI includes any school district in this state that maintains only a high school, or a high school and grades seven and eight as provided in section 79-411, under the direction of a single school board.

Sec. 2. Original section 79-102, Revised Statutes Supplement, 1997, is repealed.".

2. On page 1, lines 1 and 2, strike "Reissue Revised Statutes of Nebraska" and insert "Revised Statutes Supplement, 1997".

**LEGISLATIVE BILL 855.** Placed on Select File as amended.
E & R amendment to LB 855:
AM7184

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 35-109, Revised Statutes Supplement, 1997, is amended to read:

35-109. ~~No~~ Any siren or other similar device whose primary purpose is to warn the public of a natural or manmade emergency or disaster ~~shall be~~ used to notify volunteer firefighters of a fire or to summon volunteer firefighters to a fire shall only be located in an area zoned exclusively for

commercial or industrial use. This section applies only to cities of the first class located within a county which contains a city of the metropolitan class.

Sec. 2. Section 60-6,233, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,233. (1)(a) A rotating or flashing red light or lights or such light or lights in combination with a blue light or lights and siren may be ~~displayed~~ used on any motor vehicle operated by any volunteer firefighter or peace officer anywhere in this state while actually en route to the scene of a fire or other emergency requiring his or her services as a volunteer firefighter or peace officer but only after ~~its~~ their use has been authorized in writing by the county sheriff.

(b) Application for a permit to ~~display~~ use such light and siren shall be made in writing to the sheriff on forms to be prescribed and furnished by the Superintendent of Law Enforcement and Public Safety. The application shall be accompanied by a statement that the applicant is a volunteer firefighter or peace officer and is requesting issuance of the permit. The statement shall be signed by the applicant's superior.

(c) The permit shall be carried at all times in the vehicle named in the permit. Each such permit shall expire on December 31 of each year and shall be renewed in the same manner as it was originally issued.

(d) The sheriff may at any time revoke such permit upon a showing of abuse thereof or upon receipt of notice from the applicant's superior that the holder thereof is no longer an active volunteer firefighter or peace officer. Any person whose permit has been so revoked shall upon demand surrender it to the sheriff or his or her authorized agent.

(2) A rotating or flashing red light or lights or such light or lights in combination with a blue light or lights and siren may be ~~displayed~~ used on any motor vehicle being used by rescue squads actually en route to, at, or returning from any emergency requiring their services, or by any privately owned wrecker when engaged in emergency services at the scene of an accident, or at a disabled vehicle, located outside the city limits of a city of the metropolitan or primary class, but only after ~~its~~ their use has been authorized in writing by the county sheriff. Applications shall be made and may be revoked in the same manner as for volunteer firefighters as provided in subsection (1) of this section.

Sec. 3. Section 60-6,234, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,234. Any person who violates any provision of sections 60-6,230 to 60-6,233 shall be guilty of a Class III misdemeanor and shall also be ordered to remove from any vehicle or equipment any light or siren found to be in violation of such sections.

Sec. 4. Section 60-6,285, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,285. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. Except as otherwise provided in this section and section 60-6,233, it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression, or spark plug whistle or for any person at any time to use a horn, otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren, or exhaust whistle.

Sec. 5. Original sections 60-6,233, 60-6,234, and 60-6,285, Reissue Revised Statutes of Nebraska, and section 35-109, Revised Statutes Supplement, 1997, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "emergency" in line 1 through line 8 and insert "sirens; to amend sections 60-6,233, 60-6,234, and 60-6,285, Reissue Revised Statutes of Nebraska, and section 35-109, Revised Statutes Supplement, 1997; to change provisions relating to the use of sirens; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

**LEGISLATIVE BILL 376.** Placed on Select File as amended.
E & R amendment to LB 376:
AM7186

1. On page 1, lines 1 and 2; and page 2, lines 1 and 2 and 26 and 27, strike "Revised Statutes Supplement, 1996" and insert "Reissue Revised Statutes of Nebraska".

(Signed) Jon C. Bruning, Chairperson

## MOTION - Print in Journal

Mr. Beutler filed the following motion to LB 1355:
To suspend Rule 3, Section 13, in order to schedule the public hearing on LB 1355.

## AMENDMENTS - Print in Journal

Mr. Lynch filed the following amendment to LB 803:
AM2805
(Amendments to Standing Committee amendments, AM2805)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Community-Based Neurobehavioral Rehabilitation Act.

Sec. 2. For purposes of the Community-Based Neurobehavioral Rehabilitation Act:

(1) Activity and vocational services means services which are intended to provide routine structure and activity in a vocational setting to enhance the adaptive behavioral capability of individuals with disabilities whose primary disability results from brain or head injuries and who as a consequence of the disabilities are unable to pursue competitive employment. Activity and vocational services shall include such services provided and coordinated through appropriately structured adult day care, work activity, vocational training, and sheltered employment settings with an intended goal of enhancing the individual's long-term potential for vocational activity;

(2) Associated neurobehavioral services means any service necessary or essential to enhance the adaptive capability of a person with a history of brain or head injuries. Examples of such services include behavior management, visual rehabilitation, occupational therapy, epilepsy treatment and control, and use of assistive technology devices;

(3) Behavior management services means behavioral manipulation or modification of the behavior of individuals with disabilities whose primary disability results from brain or head injuries which (a) enhances behavioral capabilities to acquire or demonstrate psychosocial adaptive behavior, (b) teaches such individuals to learn or acquire new skills or information, (c) provides systematic observation and supervision to sustain the safety, health, or well-being of such individuals, and (d) enhances other sensory, cognitive, or behavioral capabilities which enable such individuals to compensate for their functional limitations. Behavior management services may be provided individually or to groups. Assistive technology devices may be used;

(4) Community-based neurobehavioral rehabilitation means the provision of behavior management and associated neurobehavioral services to provide independent living services, activity and vocational services, and psychosocial rehabilitation services in community-based settings to individuals with disabilities whose primary disability results from brain or head injuries;

(5) Department means the State Department of Education;

(6) Division means the Division of Rehabilitation Services of the department;

(7) Independent living services means the behavioral manipulation or modification of the environment and includes the use of assistive technology devices and assistive technology services to enhance the independent living capability of individuals with disabilities whose primary disability results from brain or head injuries;

(8) Individuals with disabilities whose primary disability results from brain or head injuries means individuals:

(a) Who have acquired brain or head injuries resulting directly or indirectly from closed or penetrating brain or head trauma, infection, febrile condition, anoxia, vascular lesion, toxin, metabolic condition, or spinal cord injury and whose brain or head injuries are not primarily related to congenital or degenerative conditions, chemical dependency, or aging processes; and

(b) Who have permanent or temporary impairment of mental, cognitive, behavioral, or physical functioning which directly or indirectly results in impairment in attention, cognition, language function, memory, conduct, behavior, motor function, or any other neuropsychological or cognitive behavioral function that did not occur as a result of perinatal factors or developmental anomaly;

(9) Neurobehavioral rehabilitation case counselors means credentialed individuals who have no less than a master's degree in vocational rehabilitation counseling, counseling psychology, school psychology, or guidance and counseling, who are responsible for developing and implementing planned, systematic behavior management services for individuals with disabilities whose primary disability results from brain or head injuries, and who have received additional specialized training for such responsibilities; and

(10) Psychosocial rehabilitation services means the community-based psychosocial rehabilitation services intended (a) to reduce the likelihood that individuals with disabilities whose primary disability results from brain or head injuries will develop aberrant or otherwise undesirable behavioral adaptations, (b) to reduce inactivity, and (c) to provide age-appropriate psychosocial interactions and activities.

Sec. 3. The department shall establish within the division the Community-Based Comprehensive Neurobehavioral Rehabilitation Pilot Project Program. The division, with the assistance of the Community-Based Neurobehavioral Rehabilitation Steering Committee, shall establish additional guidelines and criteria for three pilot projects in the program, including specific selection criteria for participants in the pilot programs. Each project shall be provided funds of up to one hundred thousand dollars per year.

Sec. 4. The Community-Based Neurobehavioral Rehabilitation Steering Committee is created to provide, in an advisory capacity, technical assistance and support to the State Department of Education in the development and implementation of the Community-Based Neurobehavioral Rehabilitation Act. The committee is comprised of seven members as follows: (1) The director of the Division of Rehabilitation or his or her representative; (2) the director of the assistive technology project of the Division of Rehabilitation; (3) one individual who serves as director or administrator, or his or her designee, of a

consumer-controlled private corporation qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, that has been in existence for at least five years, and which is an advocate for individuals with disabilities whose primary disability results from brain or head injuries; (4) one individual who serves as director or administrator, or his or her designee, of a private corporation qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, that has been in existence for at least five years, and which provides some advocacy for individuals with disabilities whose primary disability results from brain or head injuries; and (5) three persons, one from each congressional district, who are individuals with disabilities whose primary disability results from brain or head injuries or immediate family members or guardians of such individuals.

The members of the committee shall be appointed by the State Board of Education within ninety days after the effective date of this act. Any vacancy occurring on the committee shall be filled from the same category and in the same manner as the original appointment was made.

Members of the committee shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177. The committee shall select a chairperson and such other officers as it deems necessary to perform its functions and shall establish rules and regulations to govern its procedures.

Sec. 5. Each pilot project program shall:

(1) Provide community-based neurobehavioral rehabilitation services and provide payment for such services for individuals with disabilities whose primary disability results from brain or head injuries and who (a) are medically stable, (b) are twenty-one years of age or older, and (c) as a result of such primary disability, are unable to sustain competitive employment or are psychosocially dependent with regard to their personal safety;

(2) Identify and assess such individuals' needs for community-based neurobehavioral rehabilitation. Such identification and assessment shall be carried out with federal, state, and appropriate professional standards deemed necessary for the adequate provision of such services;

(3) Identify and coordinate state policies, resources, including funding resources, and services relating to the provision of community-based neurobehavioral rehabilitation;

(4) Be directed by a neurobehavioral rehabilitation case counselor. Such counselors shall obtain cognitive, behavioral, psychosocial, and medical diagnostic information as required and shall plan, provide, purchase, and coordinate individualized community-based neurobehavioral rehabilitation. Special attention to the needs of families and caregivers of such individuals shall be a principal concern of neurobehavioral rehabilitation case counselors;

(5) Compile and evaluate appropriate data relating to the

program;

(6) Establish procedures providing for the active involvement of individuals with disabilities whose primary disability results from brain or head injuries, families or representatives of such individuals, appropriate advocacy organizations, or other appropriate individuals in the development and implementation of the program and for the active involvement, to the maximum extent appropriate, of such individuals who use community-based neurobehavioral rehabilitation in decisions relating to the use, planning, or provision of such behavior management services; and

(7) Any other function the division considers appropriate.

Sec. 6. The division shall develop and implement a public awareness and information program addressing (1) the prevention of brain and head injuries, (2) the availability of services and funding for the treatment of individuals with disabilities whose primary disability results from brain or head injuries, and (3) social understanding and acceptance of individuals with disabilities whose primary disability results from brain or head injuries.

Sec. 7. To carry out section 6 of this act, the division may contract with one or more private corporations qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, that have been in existence for at least five years, and which provide some advocacy for individuals with disabilities whose primary disability results from brain or head injury.

Sec. 8. One pilot project program shall be located in each of the three congressional districts and shall begin providing services by January 1, 1999.

Sec. 9. The pilot projects shall continue for three years and by January 1, 2001, the department shall conduct an overall evaluation of the success or failure of the pilot project programs and components thereof. A report evaluating the pilot projects shall be made to the State Board of Education and the Legislature by January 15, 2001.

Sec. 10. The Community-Based Neurobehavioral Rehabilitation Act terminates on July 1, 2001.".

Mr. Jensen filed the following amendment to LB 1184:
(Amendment, AM2747, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

## NOTICE OF COMMITTEE HEARINGS

**Revenue**

| | | |
|---|---|---|
| LB 1032 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 920 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 1131 | Friday, January 30, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 1227 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 1260 | Friday, January 30, 1998 | 1:30 p.m. |

(Signed) William R. Wickersham, Chairperson

**Judiciary**

| | | |
|---|---|---|
| LB 1156 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 1203 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 1225 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 1233 | Friday, January 30, 1998 | 1:30 p.m. |

(Signed) Kermit A. Brashear, Chairperson

**Natural Resources**

| | | |
|---|---|---|
| LB 1196 | Friday, January 30, 1998 | 1:30 p.m. |
| LB 1209 | Friday, January 30, 1998 | 1:30 p.m. |

(Signed) Chris Beutler, Chairperson

**General Affairs**

| | | |
|---|---|---|
| LB 1182 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1002 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1044 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1013 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1216 | Monday, February 2, 1998 | 1:30 p.m. |

(Signed) Stan Schellpeper, Chairperson

**Business and Labor**

| | | |
|---|---|---|
| LB 1075 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1255 | Monday, February 2, 1998 | 1:30 p.m. |

(Signed) Chris Abboud, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 1293. No objections. So ordered.

Mmes. Brown, Suttle, and Mr. Dw. Pedersen asked unanimous consent to have their names added as cointroducers to LB 1183. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 914. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 1327. No objections. So ordered.

## WITHDRAW - Cointroducer

Mr. Dw. Pedersen withdrew his name as cointroducer to LB 1032.

## VISITORS

Visitors to the Chamber were Ariel, Sarah, David, Danny, Mary, Steven, Rebecca, Esther, and Rachel Clement from Scottsbluff; former Senator David Bernard-Stevens, Mayor Jim Whitaker, and John Way from North Platte; Senator Schrock's cousin, Jim Tringe, from Holdrege; Senator Willhoft's wife, Shirley, sister and brother-in law, Romona and Judd Bock, from Honey Creek, Iowa, and Mike and Sharon Borden from Crescent, Iowa; Senator Matzke's granddaughter, Sloan Matzke, from Seward; 30 students and teacher from Hastings College; Leadership Group from Chadron; and Rick Roberts from Grand Island.

The Doctor of the Day was Jay Matzke from Seward.

## ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Monday, January 26, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

## TWELFTH DAY – JANUARY 26, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 26, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Pastor Jerry Heydenberk, Faith United Methodist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Hartnett and Mrs. Witek who were excused; and Messrs. Abboud, Bromm, Engel, Robinson, Schellpeper, Schrock, Will, Mmes. Bohlke, Hillman, Kiel, Robak, and Ms. Schimek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 394, strike line 33 that reads "1235 Judiciary".
The Journal for the eleventh day was approved as corrected.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 234.** Placed on Select File as amended.
E & R amendment to LB 234:
AM7188

1. On page 1, strike beginning with "25-320" in line 1 through line 4 and insert "25-311, 25-320, 25-701, and 25-21,180, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to joinder; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-317 and 25-702, Reissue Revised Statutes of Nebraska.".

(Signed) Jon C. Bruning, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills, resolutions, and the rereferral of LB 1247:

| LB | Committee |
|---|---|
| 1235 | Banking, Commerce and Insurance |
| 1247 | Education |
| 1274 | Judiciary |
| 1275 | Judiciary |
| 1276 | Education |
| 1277 | Banking, Commerce and Insurance |
| 1278 | Natural Resources |
| 1279 | Transportation |
| 1280 | Education |
| 1281 | Government, Military and Veterans Affairs |
| 1282 | Banking, Commerce and Insurance |
| 1283 | Judiciary |
| 1284 | Natural Resources |
| 1285 | Education |
| 1286 | Revenue |
| 1287 | Transportation |
| 1288 | Urban Affairs |
| 1289 | Revenue |
| 1290 | Revenue |
| 1291 | Revenue |
| 1292 | Revenue |
| 1293 | Urban Affairs |
| 1294 | Business and Labor |
| 1295 | Government, Military and Veterans Affairs |
| 1296 | Revenue |
| 1297 | Transportation |
| 1298 | Revenue |
| 1299 | Judiciary |
| 1300 | Education |
| 1301 | Education |
| 1302 | Education |
| 1303 | Education |
| 1304 | Education |
| 1305 | Government, Military and Veterans Affairs |
| 1306 | Transportation |
| 1307 | Banking, Commerce and Insurance |
| 1308 | Judiciary |
| 1309 | Judiciary |
| 1310 | Natural Resources |
| 1311 | Revenue |
| 1312 | Transportation |
| 1313 | Nebraska Retirement Systems |

1314 Education
1315 Banking, Commerce and Insurance
1316 Transportation
1317 Judiciary
1318 Banking, Commerce and Insurance
1319 Government, Military and Veterans Affairs
1320 Banking, Commerce and Insurance
1321 Banking, Commerce and Insurance
1322 Natural Resources
1323 Appropriations
1324 Health and Human Services
1325 Transportation
1326 Natural Resources
1327 Revenue
1328 Education
1329 Revenue
1330 Government, Military and Veterans Affairs
1331 Education
1332 Government, Military and Veterans Affairs
1333 Revenue
1334 Business and Labor
1335 Education
1336 Education
1337 Judiciary
1338 Urban Affairs
1339 Health and Human Services
1340 Urban Affairs
1341 Government, Military and Veterans Affairs
1342 Education
1343 Education
1344 Education
1345 Education
1346 Urban Affairs
1347 Urban Affairs
1348 Urban Affairs
1349 Judiciary
1350 Education
1351 General Affairs
1352 Education
1353 Judiciary
1354 Health and Human Services
1355 Natural Resources
1356 Judiciary
1357 Government, Military and Veterans Affairs
1358 Transportation
1359 Education
1360 Education
1361 Revenue

| LR | Committee |
|---|---|
| 319CA | Education |
| 320CA | Executive Board |
| 321 | Judiciary |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## ANNOUNCEMENT

The Revenue Committee designates LB 1174 as its priority bill.

## MESSAGE FROM THE GOVERNOR

January 23, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed as Policy Secretary of the Health and Human Services System:

APPOINTEE: Deborah L. Thomas, 4401 Elk Ridge Road, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## MOTION - Suspend Rules

Mr. Beutler renewed his pending motion, found on page 404, to suspend Rule 3, Section 13, in order to schedule the public hearing on LB 1355.

The Beutler motion to suspend the rules prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

## UNANIMOUS CONSENT - Members Excused

Messrs. Lynch and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 656.** The Beutler-Jones pending amendment, AM2782, found on page 273 and considered on page 401, was renewed.

Messrs. Dierks and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler-Jones amendment was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 656.

Mr. Chambers withdrew his motion to indefinitely postpone.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 656A.** Title read. Considered.

Mr. Beutler offered the following amendment:
AM2865
1. On page 2, line 1, strike "$50,000" and insert "$100,000"; in line 2 strike "FY1997-98" and insert "FY1998-99"; in line 3 strike "FY1998-99" and insert "FY1999-00"; in line 5 strike "First" and insert "Second" and strike "1997" and insert "1998"; and strike lines 9 through 16.

The Beutler amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 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.

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 966.** Placed on General File.
**LEGISLATIVE BILL 969.** Placed on General File.
**LEGISLATIVE BILL 970.** Placed on General File.
**LEGISLATIVE BILL 1067.** Placed on General File.

**LEGISLATIVE BILL 950.** Indefinitely postponed.
**LEGISLATIVE BILL 958.** Indefinitely postponed.
**LEGISLATIVE BILL 1018.** Indefinitely postponed.
**LEGISLATIVE BILL 1083.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Natural Resources

| | | |
|---|---|---|
| LB 1355 | Friday, January 30, 1998 | 1:30 p.m. |

(Signed) Chris Beutler, Chairperson

### Education

| | | |
|---|---|---|
| LB 1228 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1343 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1300 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1163 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1006 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1336 | Monday, February 2, 1998 | 1:30 p.m. |

(Signed) Ardyce L. Bohlke, Chairperson

### Transportation

| | | |
|---|---|---|
| LB 1279 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1287 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1268 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1030 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1316 | Monday, February 2, 1998 | 1:30 p.m. |

(Signed) Curt Bromm, Chairperson

### Executive Board

| | | |
|---|---|---|
| LR 311CA | Monday, February 2, 1998 | 12:00 noon |
| LR 313CA | Monday, February 2, 1998 | 12:00 noon |
| LR 320CA | Monday, February 2, 1998 | 12:00 noon |

(Signed) George Coordsen, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 320.** Title read. Considered.

Standing Committee amendment, AM0856, printed separately and referred to on page 996, First Session, 1997, was considered.

Mrs. Bohlke offered the following amendment to the Standing Committee amendment:
AM2866
(Amendments to Standing Committee amendments, AM0856)
1. Strike section 15 and insert the following new sections:

"Sec. 13. Section 60-4,173, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,173. For purposes of sections 60-4,173 to 60-4,179:

(1) Commercial driver training school or school ~~shall mean~~ means a business enterprise conducted by an individual, association, partnership, limited liability company, or corporation which educates or trains persons to operate or drive motor vehicles or which furnishes educational materials to prepare an applicant for an examination by the state for an operator's license, provisional operator's permit, or LPD-learner's or LPE-learner's permit and which charges consideration or tuition for such service or materials; and

(2) Instructor ~~shall mean~~ means any person who operates a commercial driver training school or who teaches, conducts classes, gives demonstrations, or supervises practical training of persons learning to operate or drive motor vehicles in connection with operation of a commercial driver training school.

Sec. 14. Section 60-4,188, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,188. Any person who has less than twelve points assessed against his or her driving record under section 60-4,182 may voluntarily enroll in a driver improvement course approved by the Department of Motor Vehicles. Upon notification of successful completion of such a course by the conducting organization, the department shall reduce by two the number of points assessed against such person's driving record within the previous two years. This section shall only apply to persons who have successfully completed such driver improvement course prior to committing any traffic offense for which a conviction and point assessment against their driving record would otherwise result in a total of twelve or more points assessed against their record. No person required to enroll in a driver improvement course pursuant to section 9 of this act, section 60-4,130, or 60-4,183 shall be eligible for a reduction in points assessed against his or her driving record upon the successful completion of such course. If a person has only one point assessed against his or her record within the previous two years, upon notification of successful completion of such a course by the conducting organization, the department shall reduce one point from such person's driving record. Such reduction shall be allowed only once within a five-year period. Notification of completion of an approved course shall be sent to the department, upon successful completion thereof, by the conducting organization. An approved course shall consist of at least eight hours of instruction and shall follow such other guidelines as are established by the department.

Sec. 17. Original sections 60-480, 60-4,123, 60-4,125, 60-4,173, and 60-4,188, Reissue Revised Statutes of Nebraska, sections 60-4,112, 60-4,118, and 60-4,146, Revised Statutes Supplement, 1996, and section 60-462, Revised Statutes Supplement,

1997, are repealed.".

2. On page 1, line 4, strike "1996" and insert "1997".

3. On page 7, line 20, strike "(7)(a)" and insert:

"(7) The Department of Motor Vehicles shall waive the written examination and the driving test required under this section for any person eighteen years of age or older applying for his or her initial operator's license, except commercial driver's licenses or permits, if he or she has held a provisional operator's permit within the twenty-four months immediately preceding the date of application.

(8)(a)".

4. On page 8, strike beginning with "(a)(i)" in line 15 through "log" in line 21 and insert "(a) successfully complete a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (i) the effects of the consumption of alcohol on a person operating a motor vehicle, (ii) occupant protection systems, (iii) risk assessment, and (iv) railroad crossing safety and successfully complete a written examination and driving test administered by a driver safety course instructor or (b) present to the examiner an affidavit and driving log on a form prescribed by the department"; and strike beginning with "and" in line 26 through line 27 and insert an underscored period.

5. On page 9, line 1, strike "driver safety course instructor."; in line 6 after "presentation" insert "to the examiner"; strike lines 8 through 11 and insert "of the driver safety course the examiner shall waive the written and driving tests. Upon presentation to the examiner of the affidavit and driving log the examiner shall waive the written test but not the driving test."; in line 15 strike "a" and insert "or from his or her residence to his or her" and strike "or an"; and in line 16 strike "employment opportunity".

6. On page 10, line 5, strike "revoked" and insert "suspended"; and in line 10 strike "revocation" and insert "suspension".

7. On page 12, line 21, strike "and not" and insert "or".

8. On page 13, strike beginning with "The" in line 16 through "Endorsement" in line 23 and insert "Driver safety course instructors shall possess competence as outlined in rules and regulations adopted and promulgated by the department"; in line 23 strike "an"; and in line 24 strike "approved" and insert "a department approved driver safety".

9. On page 15, line 22, strike "July 1, 1998" and insert "January 1, 1999".

10. Renumber the remaining sections accordingly.

**MRS. CROSBY PRESIDING**

The Bohlke amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA455
Amend Committee Amendments, AM0856
P. 10, line 4, strike "a Class III misdemeanor," and insert, "an infraction"

Messrs. Janssen, Beutler, and Tyson 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. Bromm requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Raikes | Suttle |
| Bohlke | Dierks | Kiel | Robak | Thompson |
| Brashear | Elmer | Landis | Robinson | Vrtiska |
| Bruning | Engel | Pedersen, Dw. | Schimek | Wehrbein |
| Chambers | Hilgert | Pederson, D. | Schmitt | Wesely |
| Coordsen | Hillman | Peterson, C. | Schrock | Willhoft |
| Crosby | Hudkins | Preister | Stuhr | |

Voting in the negative, 2:

| | |
|---|---|
| Bromm | Matzke |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Brown | Kristensen | Lynch | Maurstad | Wickersham |
| Jensen | | | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Janssen | Tyson | Will | Witek |
| Hartnett | Schellpeper | | | |

The Chambers amendment was adopted with 34 ayes, 2 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE RESOLUTION 45CA.** Placed on General File as amended.
Standing Committee amendment to LR 45CA:
AM2848

1. On page 4, lines 25 and 26, strike "differences in tax" and insert "the levy of taxes at different"; in line 26 after "municipalities" insert "or urbanized areas"; and in line 27 after "property" insert "within or outside such municipalities or urbanized areas".

2. On page 7, line 22, strike "differences in tax" and insert "the levy of taxes at different".

3. On page 8, line 11, after "for" insert "the authorized"; in line 12 strike "such classes" and insert "any class"; and in line 14 after "taxes" insert "except as provided by law".

4. On page 16, line 7, strike "differences in tax" and insert "the levy of taxes at different"; and in line 8 after "municipalities" insert "and urbanized areas".

(Signed) William R. Wickersham, Chairperson

### Nebraska Retirement Systems

**LEGISLATIVE BILL 796.** Placed on General File as amended.
Standing Committee amendment to LB 796:
AM2760

1. On page 3, reinstate the stricken matter beginning with "one" in line 17 through "dollar" in line 18; and in line 18 strike the new matter.

**LEGISLATIVE BILL 822.** Placed on General File as amended.
Standing Committee amendment to LB 822:
AM2743

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 79-931, Reissue Revised Statutes of Nebraska, is amended to read:

79-931. (1) Upon filing a retirement application with the retirement system, a member who has completed thirty-five years of creditable service may retire at any age, a member who has completed at least five years of ~~(1)~~ (a) creditable service plus ~~(2)~~ (b) eligibility and vesting credit and is at least sixty years of age may retire, or a member who is at least sixty-five years of age upon termination may retire.

(2) Upon filing a retirement application with the retirement system a member may retire upon termination if the

member is at least fifty-five years of age, has acquired the equivalent of one-half year of service as a public school employee under the retirement system following July 1, 1997, was a school employee on or after the effective date of this act, and the sum of the member's attained age and creditable service totals eighty-five.

Sec. 2. Section 79-934, Reissue Revised Statutes of Nebraska, is amended to read:

79-934. (1) In lieu of the school retirement allowance provided by section 79-933, any member who is not an employee of a Class V school district and who becomes eligible to make application for and receive a school retirement allowance under section 79-931 may receive a formula annuity retirement allowance if it is greater than the school retirement allowance provided by section 79-933.

(2) Subject to the other provisions of this section, the monthly formula annuity in the normal form shall be determined by multiplying the number of years of creditable service for which such member would otherwise receive the service annuity provided by section 79-933 by (a) one and one-quarter percent of his or her final average compensation for a member who has acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following August 24, 1975, (b) one and one-half percent of his or her final average compensation for a member who has acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 17, 1982, (c) one and sixty-five hundredths percent of his or her final average compensation for a member who has acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 1, 1984, (d) one and seventy-three hundredths percent of his or her final average compensation for a member actively employed as a public school employee under the retirement system or under contract with an employer on or after June 5, 1993, or (e) one and eight-tenths percent of his or her final average compensation for a member who has acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 1, 1995, and was employed as a public school employee under the retirement system or under contract with an employer on or after April 10, 1996.

(3) If the annuity begins on or after the sixty-fifth birthday of a member, the annuity shall not be reduced. If the annuity begins prior to the sixty-fifth birthday of the member and the member has completed thirty or more years of creditable service and is at least sixty years of age, the annuity shall not be reduced. If the annuity begins prior to the sixtieth birthday of the member and the member has completed thirty-five or more years of creditable service, the annuity shall be actuarially reduced on the basis of age sixty-five. If the annuity begins on or after the

sixtieth birthday of the member and the member has completed at least a total of five years of (a) creditable service plus (b) eligibility and vesting credit but less than thirty years of creditable service, the annuity shall be reduced by three percent for each year by which the member's age is less than the age at which the member's age plus years of creditable service would have totaled ninety or three percent for each year after the member's sixtieth birthday and prior to his or her sixty-fifth birthday, whichever provides the greater annuity.

(4) For retirements on or after the effective date of this act, if the annuity begins at a time when the sum of the member's attained age and creditable service totals eighty-five and the member is at least fifty-five years of age, the annuity shall not be reduced. This subsection shall only apply to a member who has acquired the equivalent of one-half year of service or more as a public school employee under the retirement system following July 1, 1997, and who was a school employee on or after the effective date of this act. This subsection shall not apply to a member who is retired prior to the effective date of this act.

(5) ~~(4)~~ Except as provided in section 42-1107, the normal form of the formula annuity shall be an annuity payable monthly during the remainder of the member's life with the provision that in the event of his or her death before sixty monthly payments have been made the monthly payments will be continued to his or her estate or to the beneficiary he or she has designated until sixty monthly payments have been made. Except as provided in section 42-1107, a member may elect to receive in lieu of the normal form of annuity an actuarially equivalent annuity in any optional form provided by section 79-938.

(6) ~~(5)~~ All formula annuities shall be paid from the Annuity Reserve Account. Upon the granting of a formula annuity, there shall be transferred to the Annuity Reserve Account: (a) From the Service Annuity Account, the value of the service annuity which would otherwise be payable; (b) from the School Employees Savings Account, the accumulated contributions of the member; and (c) from the School Employers Deposit Account, the value of the formula annuity in excess of the amounts transferred from the Service Annuity Account and the School Employees Savings Account. The amounts transferred from the Service Annuity Account at any time after such member attains sixty years of age and prior to his or her sixty-fifth birthday or thirty-five years of creditable service shall be on an actuarially reduced basis.

Sec. 3. Original sections 79-931 and 79-934, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Ray Janssen, Chairperson

**Natural Resources**

**LEGISLATIVE BILL 1004.** Placed on General File as amended.
Standing Committee amendment to LB 1004:
AM2834

1. On page 2, lines 18 and 22, strike the new matter; and in lines 19 and 23 strike "fifteen", show as stricken, and insert "seventeen".

(Signed) Chris Beutler, Chairperson

## NOTICE OF COMMITTEE HEARINGS
## Appropriations

| | | |
|---|---|---|
| LB 915 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1074 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1183 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1323 | Monday, February 2, 1998 | 1:30 p.m. |

Monday, February 2, 1998 1:30 p.m.
Agency 23 - Department of Labor
Agency 20 - Health & Human Services Systems - Regulation & Licensure
Agency 25 - Health & Human Services Systems - Health & Human Services
Agency 26 - Health & Human Services Systems - Finance & Support
Agency 70 - Foster Care Review Board
Agency 82 - Hearing Impaired

| | | |
|---|---|---|
| LB 1100 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1200 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1206 | Tuesday, February 3, 1998 | 1:30 p.m. |

Tuesday, February 3, 1998 1:30 p.m.
Agency 47 - ETV(NEB*SAT)
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 50 - Nebraska State Colleges
Agency 51 - University of Nebraska

| | | |
|---|---|---|
| LB 1107 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1118 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1141 | Wednesday, February 4, 1998 | 1:30 p.m. |

Wednesday, February 4, 1998 1:30 p.m.
Agency 46 - Corrections
Agency 67 - Equal Opportunity Commission
Agency 85 - Retirement Board
Agency 72 - Department of Economic Development

| | | |
|---|---|---|
| LB 1158 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1173 | Thursday, February 5, 1998 | 1:30 p.m. |

(Signed) Roger R. Wehrbein, Chairperson

**Banking, Commerce and Insurance**

| | | |
|---|---|---|
| LB 1164 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1178 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1194 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1236 | Monday, February 2, 1998 | 1:30 p.m. |
| LB 1179 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1180 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1237 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1238 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1251 | Tuesday, February 3, 1998 | 1:30 p.m. |

(Signed) David M. Landis, Chairperson

## MOTIONS - Print in Journal

Mr. Wickersham filed the following motion to LB 1227:
To suspend the rules, Rule 3, Section 13, to permit cancellation of the hearing on LB 1227, scheduled for Friday, January 30, 1998.

Messrs. Brashear, Dw. Pedersen, Chambers, Abboud, and Hilgert filed the following motion to LB 984:
That Legislative Bill 984 referenced to the Committee on Agriculture be re-referenced to the Committee on Judiciary.

## SELECT COMMITTEE REPORT
## Enrollment and Review

**LEGISLATIVE BILL 299.** Placed on Select File as amended.
E & R amendment to LB 299:
AM7189

1. In the Standing Committee amendments, AM0464:
a. On page 1, lines 3 and 4; page 2, lines 4 and 5; and page 4, lines 16 and 17, strike "Revised Statutes Supplement, 1996" and insert "Reissue Revised Statutes of Nebraska"; and
b. On page 9, lines 12 and 13, strike "18-1741.01, and" and insert "and 18-1741.01, Reissue Revised Statutes of Nebraska, and section".
2. On page 1, strike beginning with "infractions" in line 1 through line 4 and insert "; to amend sections 18-1736, 18-1737, and 18-1741.01, Reissue Revised Statutes of Nebraska, and section 81-1108.15, Revised Statutes Supplement, 1996; to change placement provisions for permits; to provide for designation of parking spaces; to provide for agreements for enforcement of handicapped parking statutes; to harmonize provisions; and to repeal the original sections.".

(Signed) Jon C. Bruning, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 320.** Mrs. Bohlke renewed her pending amendment, AM2768, found on page 334, to the Standing Committee amendment.

Mrs. Robak, Messrs. Landis, Lynch, and Elmer asked unanimous consent to be excused. No objections. So ordered.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on the Bohlke amendment.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Hilgert | Kiel | Suttle |
| Bohlke | Dierks | Hillman | Matzke | Thompson |
| Brown | Engel | Jensen | Schimek | Wesely |
| Bruning | | | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kristensen | Preister | Vrtiska |
| Brashear | Hudkins | Pedersen, Dw. | Raikes | Wehrbein |
| Bromm | Janssen | Pederson, D. | Schmitt | Wickersham |
| Chambers | Jones | Peterson, C. | Stuhr | Willhoft |
| Coordsen | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Maurstad | Robinson | Schellpeper | Schrock |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Elmer | Landis | Robak | Will | Witek |
| Hartnett | Lynch | Tyson | | |

The Bohlke amendment lost with 16 ayes, 21 nays, 4 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 981 and LB 1096. No objections. So ordered.

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 1331. No objections. So ordered.

## WITHDRAW - Cointroducer

Mr. Wehrbein withdrew his name as cointroducer to LB 1114.

## AMENDMENTS - Print in Journal

The Revenue Committee filed the following amendment to LB 306: (Amendment, AM2828, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers filed the following amendment to LB 320:
FA454
Amend Committee amendment, AM2866:
P. 1, line 22, strike "less" and show as stricken, and insert "fewer"

Mr. Chambers filed the following amendment to LB 320:
FA456
Amend Committee Amendments, AM0856
P. 9, line 20, strike beginning with "and" through "state." in line 21; and insert "or is licensed in another state or country.

Mr. Coordsen filed the following amendment to LB 320:
FA457
Amend AM0856
by striking lines 12 through 21 on page 9.

## VISITORS

Visitors to the Chamber were 30 ninth grade students and teacher from Omaha Christian Academy, Omaha.

The Doctor of the Day was David Filipi from Omaha.

## ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, January 27, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# THIRTEENTH DAY - JANUARY 27, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 27, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen 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 Mmes. Brown, Robak, and Witek who were excused; and Messrs. Abboud, Beutler, Bromm, Engel, Hilgert, Vrtiska, Will, Mmes. Hudkins, and Kiel 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 656.** Placed on Select File as amended.
E & R amendment to LB 656:
AM7190

1. In the Beutler-Jones amendment, AM2782:

a. On page 1, line 8, after "Act" insert "of 1991"; and in line 24 strike "Nebraska" and insert "Niobrara";

b. On page 2, line 11, strike "county commissions or"; and

c. On page 3, line 5, after the first "Act" insert "of 1991"; in line 7 strike the second comma and insert "and"; and in line 24 strike the first comma.

2. On page 1, strike line 2 and insert "define a term; to provide for funding for the operation of the Niobrara Scenic

11 River Local Management Council; and to provide powers and duties.".

**LEGISLATIVE BILL 656A.** Placed on Select File as amended.
E & R amendment to LB 656A:
AM7191
1 1. On page 1, line 3, strike "First Session, 1997" and
2 insert "Second Session, 1998".

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 1069.** Placed on General File.

**LEGISLATIVE RESOLUTION 310CA.** Placed on General File.

**LEGISLATIVE BILL 1051.** Placed on General File as amended.
Standing Committee amendment to LB 1051:
AM2798
1 1. On page 2, line 17, strike "record" and insert
2 "records"; and in lines 18 and 19 strike the new matter and insert
3 ", expunge the records, or set aside the conviction and expunge the
4 records".

**LEGISLATIVE RESOLUTION 303CA.** Placed on General File as amended.
Standing Committee amendment to LR 303CA:
AM2871
1 1. On page 1, line 10, after "located" insert "but shall
2 reside within the state".

**LEGISLATIVE BILL 1021.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 965.** Placed on General File.
**LEGISLATIVE BILL 1007.** Placed on General File.

**LEGISLATIVE BILL 951.** Placed on General File as amended.
Standing Committee amendment to LB 951:
AM2864
1 1. Insert the following new section:
2 "Sec. 6. Since an emergency exists, this act takes
3 effect when passed and approved according to law.".
4 2. On page 2, strike beginning with "one" in line 18
5 through "district" in line 20 and insert "six at-large members, two

from each congressional district, with no more than three of the six members being from the same political party".

**LEGISLATIVE BILL 905.** Indefinitely postponed.
**LEGISLATIVE BILL 964.** Indefinitely postponed.
**LEGISLATIVE BILL 990.** Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

## ANNOUNCEMENT

Mr. Matzke designates LB 1041 as his priority bill.

## MESSAGES FROM THE GOVERNOR

January 26, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Advisory Commission on Compulsive Gambling:

APPOINTEES:
John Shybut, 3821 Sugarberry Road, North Platte, NE 69101
Deb Hammond, 527 W. Kearney, Lincoln, NE 68521
Mike Wellman, 7207 S. 141st, Omaha, NE 68138

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

January 26, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been

appointed to the Nebraska Commission for the Deaf and Hard of Hearing:

APPOINTEES:
Jerry A. Hohnbaum, P.O. Box 334, 710 West Front Street, North Platte, Nebraska 69103-0334
Mr. Brent A. Welsch, 3650 Orchard Avenue #108, Omaha, NE 68107
Raymond A. Meester, 2710 Odessa Ct., Lincoln, NE 68516
Mr. Kevin T. Williams, 3415 North 267 Plaza, Waterloo, NE 68069

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

January 26, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed as the Commissioner of the Nebraska Department of Labor:

APPOINTEE: Fernando "Butch" Lecuona III, Nebraska Department of Labor, 550 South 16th Street, Lincoln, NE 68509-4600

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## NOTICE OF COMMITTEE HEARINGS
### Education

| | | |
|---|---|---|
| LB 1031 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1082 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1176 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1285 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1302 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LR 308CA | Tuesday, February 3, 1998 | 1:30 p.m. |
| LR 319CA | Tuesday, February 3, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 1050 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1175 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1229 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1240 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1219 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1345 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1258 | Monday, February 9, 1998 | 1:30 p.m. |

(Signed) Ardyce L. Bohlke, Chairperson

**MOTION - Suspend Rules**

Mr. Wickersham renewed his pending motion, found on page 424, to suspend the rules, Rule 3, Section 13, to permit cancellation of the hearing on LB 1227, scheduled for Friday, January 30, 1998.

The Wickersham motion to suspend the rules prevailed with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

**MOTION - Rerefer LB 984**

Messrs. Brashear, Dw. Pedersen, Chambers, Abboud, and Hilgert renewed their pending motion, found on page 424, that Legislative Bill 984 referenced to the Committee on Agriculture be re-referenced to the Committee on Judiciary.

Messrs. Hartnett and Coordsen 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, 1 nay, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on the Brashear et al. motion to rerefer LB 984.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Kristensen | Pederson, D. | Suttle |
| Bohlke | Hilgert | Landis | Preister | Thompson |
| Brashear | Hillman | Lynch | Raikes | Tyson |
| Bruning | Janssen | Maurstad | Robinson | Wesely |
| Chambers | Jensen | Pedersen, Dw. | Schimek | Willhoft |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Cudaback | Hudkins | Jones | Schellpeper | Wehrbein |
| Dierks | | | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Elmer | Matzke | Schmitt | Stuhr | Wickersham |
| Engel | Peterson, C. | Schrock | Vrtiska | |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Brown | Hartnett | Robak | Witek |
| Bromm | Coordsen | Kiel | Will | |

The Brashear et al. motion prevailed with 25 ayes, 6 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Business and Labor

**LEGISLATIVE BILL 944.** Placed on General File.
**LEGISLATIVE BILL 1010.** Placed on General File.

**LEGISLATIVE BILL 983.** Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

## ANNOUNCEMENT

The Chair announced today is Senator Schellpeper's birthday.

## GENERAL FILE

**LEGISLATIVE BILL 320.** Mr. Chambers renewed his pending amendment, FA454, found on page 426, to the Standing Committee amendment.

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Chambers renewed his pending amendment, FA456, found on page 426, to the Standing Committee amendment.

Messrs. Maurstad, Bruning, Dierks, Vrtiska, Wehrbein, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers asked unanimous consent to replace his pending amendment, FA456, found on page 426, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, FA456, found on page 426.

Mr. Bromm offered the following substitute amendment to the Standing Committee amendment:
FA459
Amend committee amendment
Strike beginning with "and" through "state" & insert "or is licensed in another state" on page 8, line 26 and page 9, line 21

The Bromm amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mrs. Hudkins offered the following amendment to the Standing Committee amendment:
FA460
Amend committee amendment, AM0856
on page 9, line 14, by striking 12 midnight and inserting 12:30 a.m.

Mrs. Hudkins withdrew her amendment.

Mr. Coordsen withdrew his amendment, FA457, found on page 426.

Mrs. Bohlke offered the following amendment to the Standing Committee amendment:
FA461
Amend AM0856
on page 3, line 5, strike "Nebraska", on lines 6 & 7 strike new matter, insert "who possesses a valid operator's license issued by this or another state."
on page 11, line 17, strike "Nebraska", on line 18 beginning with "for" through "in" in line 19, insert an underscored "by"

The Bohlke amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Bohlke offered the following amendment to the Standing Committee amendment:
AM2882
(Amendments to Standing Committee amendments, AM0856)
1. On page 9, line 15, after "employment" insert "or a school activity".

The Bohlke amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Messrs. Schellpeper and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

## ANNOUNCEMENT

The Education Committee designates LB 1175 as its priority bill.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Hammond, Deb - Nebr. Advisory Comm. on Compulsive Gambling -- General Affairs

Hohnbaum, Jerry A. - Nebr. Comm. for the Deaf and Hard of Hearing -- Health and Human Services

Lecuona, Fernando "Butch", III, Commissioner - Dept. of Labor -- Business and Labor

Meester, Raymond A. - Nebr. Comm. for the Deaf and Hard of Hearing -- Health and Human Services

Shybut, John - Nebr. Advisory Comm. on Compulsive Gambling -- General Affairs

Thomas, Deborah L., Policy Secretary - Health and Human Services System -- Health and Human Services

Wellman, Mike - Nebr. Advisory Comm. on Compulsive Gambling -- General Affairs

Welsch, Brent A. - Nebr. Comm. for the Deaf and Hard of Hearing -- Health and Human Services

Williams, Kevin T. - Nebr. Comm. for the Deaf and Hard of Hearing -- Health and Human Services

(Signed) George Coordsen, Chairperson

Legislative Council
Executive Board

## NOTICE OF COMMITTEE HEARINGS

### Transportation

| | | |
|---|---|---|
| LB 1151 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1143 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1325 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 998 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1306 | Tuesday, February 3, 1998 | 1:30 p.m. |

(Signed) Curt Bromm, Chairperson

### Revenue

| | | |
|---|---|---|
| LB 1227 | Friday, January 30, 1998 (Cancel) | 1:30 p.m. |

(Signed) William R. Wickersham, Chairperson

### Urban Affairs

| | | |
|---|---|---|
| LB 1293 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1338 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1346 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1259 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1288 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1340 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1347 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1348 | Tuesday, February 10, 1998 | 1:30 p.m. |

(Signed) D. Paul Hartnett, Chairperson

### Agriculture

| | | |
|---|---|---|
| LB 967 | Tuesday, February 3, 1998 | 1:30 p.m. |
| LB 1168 | Tuesday, February 3, 1998 | 1:30 p.m. |

(Signed) Merton L. Dierks, Chairperson

### Health and Human Services

| | | |
|---|---|---|
| LB 1072 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1146 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1090 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1354 | Thursday, February 5, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 1066 | Thursday, February 5, 1998 | 1:30 p.m. |

Thursday, February 5, 1998 1:30 p.m.
State Plan for the Federal Community Services Block Grant
Fayette Carpenter

| | | |
|---|---|---|
| LB 1078 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1130 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1095 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1324 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1267 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1257 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1165 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1140 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1339 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1181 | Wednesday, February 18, 1998 | 1:30 p.m. |
| LB 1271 | Wednesday, February 18, 1998 | 1:30 p.m. |
| LB 1272 | Wednesday, February 18, 1998 | 1:30 p.m. |
| LB 1244 | Wednesday, February 18, 1998 | 1:30 p.m. |

Thursday, February 19, 1998 1:30 p.m.
NHHS Partnership Council
Pamela Bataillon
Elnora Carr
Connie Day
Charles Evans
Bradley Sher

(Signed) Don Wesely, Chairperson

**Nebraska Retirement Systems**

| | | |
|---|---|---|
| LB 1076 | Tuesday, February 3, 1998 | 12:00 Noon |
| LB 1192 | Tuesday, February 3, 1998 | 12:00 Noon |

(Signed) Ray Janssen, Chairperson

## STANDING COMMITTEE REPORTS
### Natural Resources

**LEGISLATIVE BILL 963.** Placed on General File as amended.
Standing Committee amendment to LB 963:
AM2872

1. Insert the following new sections:

"Sec. 2. Section 32-608, Revised Statutes Supplement, 1997, is amended to read:

32-608. (1) Except as provided in subsection (4) or (5) of this section, a filing fee shall be paid by or on behalf of each candidate prior to filing for office. The filing fee shall be paid to the county treasurer or, in the case of a city or village office, the city or village treasurer of the county, city, or village in which the candidate resides or, if the candidate does not reside at the time of filing in the county in which such candidate is seeking office, in the county where the office is sought. The fee shall be placed in the general fund of the county, city, or village. No candidate filing forms shall be filed until the proper treasurer's receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the county, city, or village treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(2) Notwithstanding the provisions of subsection (4) of this section, the filing fees shall be as follows:

(a) For the office of United States Senator, state officers, including members of the Legislature, Representatives in Congress, county officers including county superintendents of schools, and city or village officers, except the mayor or council members of cities having a home rule charter, a sum equal to one percent of the annual salary such candidate will receive if he or she is elected and qualifies for the office for which he or she files as a candidate;

(b) For directors of public power and irrigation districts in districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in districts receiving annual gross revenue of less than forty million dollars, ten dollars;

(c) For directors of reclamation districts, ten dollars; and

(d) For Regents of the University of Nebraska, members of the State Board of Education, and directors of metropolitan utilities districts, twenty-five dollars.

(3) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within ten days after the canvass of votes by the county canvassing board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

(4) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required for any candidate for membership on a school board, on the board of an

educational service unit, on the board of governors of a community college area, ~~on the~~ board of directors of a ~~weather control district,~~ a natural resources district~~;~~ or a ground water conservation district, or on the board of trustees of a sanitary and improvement district.

(5) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. Available resources shall include every type of property or interest in property that an individual owns and may convert into cash except:

(a) Real property used as a home;

(b) Household goods of a moderate value used in the home; and

(c) Assets to a maximum value of three thousand dollars used by a recipient in a planned effort directed towards self-support.

(6) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the proper governing body prior to the date of the election. Upon approval of the claim by the proper governing body, the filing fee shall be refunded.

Sec. 3. Original section 32-608, Revised Statutes Supplement, 1997, is repealed.

Sec. 4. The following sections are outright repealed: Sections 2-2429, 2-2432, 2-2438 to 2-2443, 2-2445, 2-2448, and 2-2449, Reissue Revised Statutes of Nebraska, sections 2-2430, 2-2431, 2-2433 to 2-2437, 2-2444, 2-2446, and 2-2447, Revised Statutes Supplement, 1996, and section 2-2428, Revised Statutes Supplement, 1997.".

2. On page 2, strike beginning with "The" in line 6 through line 8.

3. Insert underscoring in section 1.

(Signed) Chris Beutler, Chairperson

**Health and Human Services**

**LEGISLATIVE BILL 948.** Placed on General File as amended.
Standing Committee amendment to LB 948:
AM2868

1. On page 2, line 16, after the first comma insert "a pharmacist,".

2. On page 3, line 7, after the first comma insert "immunization provider,".

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.

Dr. Charles E. Andrews - Chief Medical Officer, Health and Human Services
Gina C. Dunning - Director of Regulation and Licensure, Health and Human Services
Andrea Nelson - State Board of Health

VOTE: Aye: Senators Wesely, Matzke, Dierks, Jensen, Suttle, and Thompson. Nay: None. Absent: Senator Witek.

(Signed) Don Wesely, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 497.** Title read. Considered.

**PRESIDENT ROBAK PRESIDING**

Mrs. Kiel renewed the Will pending amendment, AM2730, found on page 360.

The Will 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 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 369.** Title read. Considered.

Standing Committee amendment, AM0275, found on page 705, First Session, 1997, was considered.

Messrs. Beutler and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM0169, found on page 717, First Session, 1997, to the Standing Committee amendment.

The Wesely amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

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

Pending.

## ANNOUNCEMENT

Mrs. Stuhr designates LB 1154 as her priority bill.

## AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 320:
AM2884

(Amendments to Standing Committee amendments, AM0856)

1. On page 9, line 14, strike "6" and insert "3"; and in line 15 after "employment" insert "or an employment opportunity".

Mr. Beutler filed the following amendment to LB 320:
AM2885

(Amendments to Standing Committee amendments, AM0856)

1. On page 9, strike beginning with "The" in line 12 through "(3)" in line 22 and all amendments thereto.

Mrs. Crosby filed the following amendment to LB 799:
AM2846

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that the cultural climate of Nebraska is important to the state in many ways, including economically, politically, educationally, and socially. Further, the Legislature finds that federal funding for the arts and humanities has decreased dramatically and that there is no assurance of continuation of federal funding. In order to ensure there is a stable cultural climate in our state for future generations, the Nebraska Arts Council and the Nebraska Humanities Council have joined efforts to establish a financial partnership between the public and private sectors.

Sec. 2. (1) There is hereby established in the state treasury a trust fund to be known as the Nebraska Cultural Preservation Endowment Fund. The fund shall consist of funds appropriated or transferred by the Legislature and only the earnings of the fund may be used as provided in this section.

(2) On August 1, 1998, the State Treasurer shall transfer five million dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund.

(3) The Legislature shall not appropriate or transfer money from the Nebraska Cultural Preservation Endowment Fund for any purpose other than the purposes stated in sections 1 to 4 of this act, except that the Legislature may appropriate or transfer money from the fund upon a finding that the purposes of such sections are not being accomplished by the fund.

(4) Any money in the Nebraska Cultural Preservation Endowment 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) All investment earnings from the Nebraska Cultural Preservation Endowment Fund shall be credited to the Nebraska Arts and Humanities Cash Fund.

Sec. 3. (1) The Nebraska Arts and Humanities Cash Fund is created. The fund shall consist of all funds credited from the Nebraska Cultural Preservation Endowment Fund pursuant to section 2 of this act. The Nebraska Arts Council shall administer and distribute the Nebraska Arts and Humanities Cash Fund. All disbursements from the Nebraska Arts and Humanities Cash Fund shall be matched dollar-for-dollar by sources other than state funds. The match funds shall be new money generated for endowments established by the Nebraska Arts Council or Nebraska Humanities Council or qualified endowments of their constituent organizations, new money generated as a result of seed grants to recipients, or new money generated by the Nebraska Arts Council or Nebraska Humanities Council for arts or humanities education. New money includes, but is not limited to, donations to the Nebraska Arts Council or Nebraska Humanities Council in anticipation of the establishment of the Nebraska Cultural Preservation Endowment Fund. New money used as a match shall not be limited to matching the Nebraska Arts and Humanities Cash Fund in the state fiscal year the new money is received, but it shall be used as a match no later than the subsequent fiscal year. For an endowment to be a qualified endowment (a) the endowment must meet the standards set by the Nebraska Arts Council or Nebraska Humanities Council, (b) the endowment must be intended for long-term stabilization of the organization, and (c) the funds of the endowment must be endowed and only the earnings thereon expended. An organization is a constituent organization if it receives funding from the Nebraska Arts Council or Nebraska Humanities Council and is tax exempt under section 501 of the Internal Revenue Code. The match funds required by this section shall not include in-kind contributions. The budget division of the Department of Administrative Services shall approve allotment and disbursement of funds from the Nebraska Arts and Humanities Cash Fund only to the extent the Nebraska Arts Council has provided documentation of the dollar-for-dollar match required by this section.

(2) Rules and regulations of the Nebraska Arts Council shall provide that the ultimate use of disbursements from the Nebraska Arts and Humanities Cash Fund shall be in a ratio of seventy percent to projects, endowments, or programs designated by the Nebraska Arts Council and thirty percent to projects, endowments, or programs designated by the Nebraska Humanities Council.

(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. 4. The Nebraska Arts Council shall report to the Clerk of the Legislature and Director of Administrative Services annually regarding disbursements from the Nebraska Arts and Humanities Cash Fund. The report shall include a complete listing of the uses of the fund, the sources of funding used to match state funds, the amount of investment earnings credited to the Nebraska Arts and Humanities Cash Fund, and the balance of the Nebraska Arts and Humanities Cash Fund. The report shall cover the period July 1 through June 30 and shall be submitted no later than November 1 of each year.

Sec. 5. Section 82-313, Reissue Revised Statutes of Nebraska, is amended to read:

82-313. The Nebraska Arts Council may (1) hold public and private hearings, (2) enter into contracts, within the limit of funds available therefor, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs, (3) enter into contracts, within the limit of funds available therefor, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs, (4) accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs, (5) distribute funds appropriated by the Legislature to any organization which has been designated as the state affiliate of the National Endowment for the Humanities for the period covered by the appropriation, ~~and~~ (6) make and sign any agreements and do and perform any acts that may be necessary to carry out the purposes of sections 82-309 to 82-316, (7) enter into contracts, make and sign any agreements, and perform any acts that may be necessary to stabilize funding for the arts and humanities and to carry out the intent of sections 1 to 4 of this act, and (8) adopt and promulgate rules and regulations to carry out its powers and duties. The council may request from any department, division, board, bureau, commission, or agency of the state such assistance and data as will enable it properly to carry out its powers and duties.

Sec. 6. Section 82-315, Reissue Revised Statutes of Nebraska, is amended to read:

82-315. All funds received by the ~~council~~ Nebraska Arts Council under sections 82-313 and 82-314 shall be ~~deposited in the state treasury to the credit of~~ remitted to the State Treasurer for credit to the Nebraska Arts Council Trust Fund which is hereby created and which, when appropriated by the Legislature, shall be expended strictly in accord with any conditions that may be attached at the time of their receipt. This section does not apply to funds received by the council under sections 1 to 4 of this act.

Sec. 7. Original sections 82-313 and 82-315, Reissue Revised Statutes of Nebraska, are repealed.".

Mrs. Crosby filed the following amendment to LB 799A:
AM2765
1. Strike original section 1.
2. On page 2, strike beginning with "(1)" in line 10 through "$200,000" in line 12 and insert "$400,000"; and and in line 15 strike "First" and insert "Second" and strike "1997" and insert "1998".
3. Renumber the remaining section accordingly.

Messrs. Kristensen, Matzke, and Jensen filed the following amendment to LB 369:
AM2773
1. Strike the original amendments and insert the following new amendments:
"1. Strike the original sections and insert the following new sections:
'Section 1. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:
71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:
(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system; ~~or lid;~~
(2) The employment of instruments, devices, pharmaceutical agents, excluding antiglaucoma agents except as authorized pursuant to subsection (3) of section 71-1,135.02, and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual system ~~or lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies; or
(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system. ~~or lid.~~
The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.
Sec. 2. Section 71-1,135, Reissue Revised Statutes of Nebraska, is amended to read:
71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section

71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1998, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 3. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, ~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 4. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular

allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the ~~lid,~~

~~lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes may administer and prescribe topical therapeutic pharmaceutical agents for patients with primary open-angle glaucoma after meeting the requirements of this subsection. Before initiating treatment, an optometrist shall refer the patient for examination to a board-certified or board-eligible ophthalmologist selected by the patient. A treatment plan shall be developed jointly by the ophthalmologist and optometrist and shall include (a) all tests and examinations that led to the diagnosis, (b) an initial schedule of all tests and examinations necessary to treat the patient's condition, (c) a medication plan, (d) a target intraocular pressure, and (e) criteria for surgical intervention by the ophthalmologist. A treatment plan developed under this subsection may be modified only after both the optometrist and the ophthalmologist consult together and consent to the modification. Each modification shall be noted in the optometric record of the patient. An optometrist who treats a patient with primary open-angle glaucoma in accordance with this subsection shall refer the patient to an ophthalmologist for examination at least once each year after the initial referral to the ophthalmologist. The optometrist shall consult with the ophthalmologist if the patient does not have the expected response to treatment, the target intraocular pressure is not reached, or there is worsening in a patient's visual field or optic nerve-head. The treating optometrist may perform and evaluate visual field tests, nerve fiber layer photos, and optic disk photos. The tests or photos shall be provided to the ophthalmologist for review by the ophthalmologist. An optometrist may not administer or prescribe any oral pharmaceutical agent for the treatment of glaucoma nor may an optometrist treat angle closure or congenital or infantile forms of glaucoma. In order to be certified to use topical therapeutic pharmaceutical agents for the treatment of primary open-angle glaucoma, an optometrist shall complete the education and training requirements established by the Board of Examiners in Medicine and Surgery. The board shall establish such education and training requirements to protect the health and

safety of patients after receiving the recommendations for such education and training requirements from the Board of Examiners in Optometry.

Sec. 5. Section 71-1,135.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 6. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of 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 utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 7. 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. 8. Original sections 71-1,133, 71-1,135 to 71-1,135.02, 71-1,135.04, and 71-1,135.06, Reissue Revised Statutes of Nebraska, are repealed.'.".

**UNANIMOUS CONSENT - Add Cointroducers**

Mrs. Hudkins asked unanimous consent to have her name added as cointroducer to LB 981. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 981 and LB 1259. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 777. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 465. No objections. So ordered.

## WITHDRAW - Cointroducers

Mr. Engel withdrew his name as cointroducer to LB 1032.

Mr. Jensen withdrew his name as cointroducer to LB 1032.

## VISITORS

Visitors to the Chamber were 19 kindergarten through sixth grade students from Southeast Home Educators, Adams; Richard Connealy and Pete Rubin from Papio NRD; and Bob and Ada Hinson from Bertrand.

The Doctor of the Day was Judith Butler from Superior.

## ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Schrock, the Legislature adjourned until 9:00 a.m., Wednesday, January 28, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FOURTEENTH DAY – JANUARY 28, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 28, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Don White, Cornerstone Church, Omaha, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Dierks, Hartnett, Hilgert, Matzke, Maurstad, Dw. Pedersen, Robinson, Schrock, Wesely, Wickersham, Will, Mmes. Bohlke, Brown, Kiel, Robak, Stuhr, and Thompson who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

## STANDING COMMITTEE REPORT
## Government, Military and Veterans Affairs

**LEGISLATIVE BILL 995.** Placed on General File as amended.
Standing Committee amendment to LB 995:
AM2824

1. On page 5, after line 22, insert the following new subsection:

"(5) Any person who is eligible for the waiver prior to the effective date of this act shall continue to be eligible for the waiver under the provisions of this section as it existed prior to such date until termination or completion of the program of study.".

(Signed) C. N. "Bud" Robinson, Chairperson

**NOTICE OF COMMITTEE HEARING**
**Government, Military and Veterans Affairs**

| | | |
|---|---|---|
| LB 1152 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1332 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1357 | Wednesday, February 4, 1998 | 1:30 p.m. |

(Signed) C. N. "Bud" Robinson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 834.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

**LEGISLATIVE BILL 360.** Title read. Considered.

Mr. Brashear renewed his pending amendment, AM1514, found on page 1560, First Session, 1997.

Ms. Schimek offered the following amendment to the Brashear pending amendment:
FA462
Amend AM1514
on line 8, after "responsibility" add "and established interest"

The Schimek amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

**MR. COORDSEN PRESIDING**

**NOTICE OF COMMITTEE HEARINGS**
**Business and Labor**

| | | |
|---|---|---|
| LB 1294 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1334 | Monday, February 9, 1998 | 1:30 p.m. |

(Signed) Chris Abboud, Chairperson

**Natural Resources**

| | | |
|---|---|---|
| LB 1125 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1154 | Wednesday, February 4, 1998 | 1:30 p.m. |

(Signed) Chris Beutler, Chairperson

**Revenue**

| | | |
|---|---|---|
| LB 931 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1014 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1155 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1327 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1185 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1099 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1089 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1119 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1136 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1333 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1231 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1289 | Wednesday, February 11, 1998 | 3:00 p.m. |
| LB 1226 | Wednesday, February 11, 1998 | 3:00 p.m. |
| LB 1311 | Wednesday, February 11, 1998 | 3:00 p.m. |

(Signed) William R. Wickersham, Chairperson

**AMENDMENT - Print in Journal**

Mrs. Suttle and Mr. Landis filed the following amendment to LB 849:
AM2889

1. On page 2, strike lines 13 through 18 and insert "Administration for the treatment of another specific type of cancer, if (a) the drug or combination of drugs is recognized for treatment of the other specific type of cancer in the United States Pharmacopeia-Drug Information and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration, or (b) the drug or combination of drugs is recognized for treatment of the other specific type of cancer in medical literature and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration.".

2. On page 3, strike lines 5 through 20 and insert "(a) the drug or combination of drugs is recognized for treatment of human immunodeficiency virus or acquired immunodeficiency syndrome in the United States Pharmacopeia-Drug Information and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration, or (b) the drug or combination of drugs is recognized for treatment of human immunodeficiency virus or acquired immunodeficiency syndrome in medical literature and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration.

(3) Any coverage of a drug or combination of drugs required by this section shall include medically necessary services associated with the administration of the drug if such services are covered by the insurance policy, contract, or plan.

(4) Nothing in this section shall be construed to require coverage for any experimental or investigational drug not approved by the federal Food and Drug Administration.

(5) For purposes of this section, medical literature means two articles from major peer-reviewed professional medical journals that have recognized, based on scientific or medical criteria, the safety and effectiveness of the drug or combination of drugs for treatment of the indication for which it has been prescribed unless two articles from major peer-reviewed professional medical journals have concluded, based on scientific or medical criteria, that the drug or combination of drugs is unsafe or ineffective or that the safety and effectiveness of the drug or combination of drugs cannot be determined for the treatment of the indication for which the drug or combination of drugs has been prescribed. Each article shall meet the uniform requirements for manuscripts submitted to biomedical journals established by the International Committee of Medical Journal Editors or shall have been published in a journal specified by the United States Department of Health and Human Services pursuant to 42 U.S.C. 1395x(t)(2)(B), as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier.

(6) Within ninety days of the effective date of this act, the chief medical officer, if one is appointed pursuant to section 81-3201, and if not, then the Director of Regulation and Licensure, shall appoint a panel of five medical experts as follows: Three medical oncologists, upon the recommendation of the Nebraska Oncology Society, and two specialists in the management of patients being treated for human immunodeficiency virus or acquired immunodeficiency syndrome, upon the recommendation of the Nebraska Medical Association. Members of the panel shall serve without compensation, except that they shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177. When there is a question regarding acceptable medical literature support of an administration under this section, the panel, upon request of the Director of Insurance, shall review the use in dispute and the medical literature and shall advise the Director of Insurance whether an administration is medically appropriate for purposes of this section. A majority vote of the members of the panel shall be necessary to determine that coverage is medically appropriate. The panel may meet in person or by telephone conference call or other communication means acceptable to the Director of Insurance and the chief medical officer, if one is appointed pursuant to section 81-3201, and if not, then the Director of Regulation and Licensure."; and in line 21 strike "(5)" and insert "(7)" and after "policies" insert ", plans,".

## GENERAL FILE

**LEGISLATIVE BILL 369.** The Standing Committee amendment, AM0275, found on page 705, First Session, 1997, and considered on page 439, was adopted, as amended, with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Messrs. Kristensen, Matzke, and Jensen renewed their pending amendment, AM2773, found on page 443.

Mrs. Suttle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

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

Mr. Chambers requested a record vote on the Kristensen et al. amendment.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Chambers | Kristensen | Pedersen, Dw. | Robak | Vrtiska |
| Crosby | Matzke | Peterson, C. | Schellpeper | Will |
| Jensen | | | | |

Voting in the negative, 28:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Kiel | Schrock | Wehrbein |
| Bromm | Hartnett | Maurstad | Stuhr | Wesely |
| Bruning | Hilgert | Pederson, D. | Suttle | Wickersham |
| Coordsen | Hudkins | Raikes | Thompson | Willhoft |
| Dierks | Janssen | Schimek | Tyson | Witek |
| Elmer | Jones | Schmitt | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Brashear | Cudaback | Landis | Preister | Robinson |
| Brown | Hillman | | | |

Absent and not voting, 1:

Lynch

Excused and not voting, 2:

Abboud Bohlke

The Kristensen et al. amendment lost with 11 ayes, 28 nays, 7 present and not voting, 1 absent and not voting, and 2 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. Schrock moved for a call of the house. 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, 35:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kiel | Schellpeper | Tyson |
| Bromm | Engel | Landis | Schimek | Vrtiska |
| Bruning | Hartnett | Maurstad | Schmitt | Wehrbein |
| Coordsen | Hilgert | Pedersen, Dw. | Schrock | Wesely |
| Crosby | Hudkins | Pederson, D. | Stuhr | Wickersham |
| Cudaback | Janssen | Raikes | Suttle | Willhoft |
| Dierks | Jones | Robinson | Thompson | Witek |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Bohlke | Jensen | Matzke | Robak | Will |
| Chambers | Kristensen | Peterson, C. | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Brashear | Brown | Hillman | Preister |

Excused and not voting, 2:

| | |
|---|---|
| Abboud | Lynch |

Advanced to E & R for review with 35 ayes, 8 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**AMENDMENT - Print in Journal**

Mr. Chambers filed the following amendment to LB 360:
FA463

1. P. 3, lines 18, 19 strike and show as stricken, "vote by any member of the Legislature", and insert "legislative action or activity protected by the Constitution of the United States or the Constitution of the State of Nebraska";

2. Line 19, strike and show as stricken "such member" and insert "any Member of the Legislature"

## NOTICE OF COMMITTEE HEARINGS
### Judiciary

| | | |
|---|---|---|
| LB 984 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1299 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LR 321 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1283 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1218 | Wednesday, February 4, 1998 | 1:30 p.m. |
| LB 1274 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1317 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1058 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1234 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1242 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1275 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1102 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1039 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1071 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1263 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1115 | Thursday, February 12, 1998 | 1:30 p.m. |
| LR 314CA | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1266 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1308 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1127 | Wednesday, February 18, 1998 | 1:30 p.m. |
| LB 1139 | Wednesday, February 18, 1998 | 1:30 p.m. |
| LB 1224 | Wednesday, February 18, 1998 | 1:30 p.m. |
| LB 1150 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1221 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1250 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1353 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1356 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1214 | Friday, February 20, 1998 | 1:30 p.m. |
| LB 1273 | Friday, February 20, 1998 | 1:30 p.m. |
| LB 906 | Friday, February 20, 1998 | 1:30 p.m. |
| LB 1220 | Friday, February 20, 1998 | 1:30 p.m. |

(Signed) Kermit A. Brashear, 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.

Nebraska Investment Council
Bruce W. Bisson

VOTE: Aye: Senators Janssen, Crosby, C. Peterson, Stuhr, and Wehrbein. Nay: None. Absent: Senator Lynch.

(Signed) Ray Janssen, Chairperson

## ANNOUNCEMENTS

Speaker Kristensen designates LB 306 as a priority bill.

Mr. Dierks designates LB 1219 as his priority bill.

## GENERAL FILE

**LEGISLATIVE BILL 695.** Title read. Considered.

Mr. Cudaback withdrew his amendment, AM1406, found on page 2564, First Session, 1997.

Messrs. D. Pederson and Cudaback offered the following amendment: AM2905

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) The Legislature finds and declares the following:

(a) The provision of justice programs by counties is a matter of statewide interest;

(b) In some cases, the costs of incarceration have grown more quickly than county revenue; and

(c) Counties should not be required to drastically divert property tax revenue from other functions and public programs in order to pay for state prisoner incarceration costs.

(2) Accordingly, it is the intent of the Legislature to protect the public peace and safety by alleviating certain county incarceration costs.

Sec. 2. Section 47-119, Revised Statutes Supplement, 1996, is amended to read:

47-119. For purposes of sections ~~47-120 and~~ 47-119 to 47-121~~, state~~ and sections 1, 3, and 6 of this act:

(1) State prisoner ~~shall mean~~ means a person who has been convicted and sentenced as an adult to a Department of Correctional Services facility; and

(2) Criminal detention facility has the same meaning as in section 83-4,125. ~~of a felony and has started to serve the sentence imposed under such conviction.~~

Sec. 3. The county in which a prisoner committed an offense or is alleged to have committed an offense is responsible for the cost of keeping and maintaining the prisoner in a criminal detention facility located within the state which is not reimbursed by a city, the state, or the federal government. After sentencing if a prisoner is convicted and sentenced as an adult to a Department of Correctional Services facility, the state shall reimburse the county where the state prisoner was or is maintained in a criminal detention facility at the rate of thirty-five dollars per day for each day the state prisoner was maintained in the criminal detention facility for such offense until the day the state prisoner is transferred to a Department of Correctional Services facility. The county board or county board of corrections shall request reimbursement as provided in section 47-121. If the Department of Correctional Services has been notified under section 83-4,133 that the criminal detention facility which is requesting reimbursement does not qualify for reimbursement under this section, the department shall deny the reimbursement request for the days the facility was not qualified.

Sec. 4. Section 47-120, Reissue Revised Statutes of Nebraska, is amended to read:

47-120. The county board or county board of corrections serving pursuant to Chapter 23, article 28, shall provide proper quarters and adequate equipment for the preparation and serving of all meals furnished to all prisoners confined in the county jail. The county sheriff or the county board of corrections shall have full charge and control of such services and the county board shall provide for all washing, fuel, lights, and clothing for prisoners, subject to ~~the right of the county to be paid by the state for state prisoners at the rate of three dollars and fifty cents per day~~ reimbursement for state prisoners from the state pursuant to section 3 of this act, and subject to the right of the county to be paid by the city or federal government for city or federal prisoners at actual cost to the county. Supplies of every nature entering into the furnishing of meals, washing, fuel, lights, and clothing to the prisoners confined in the county jail shall be purchased and provided under the direction of the county sheriff or the county board of corrections. Payment for all purchases shall only be made by the county board on the original invoices submitted by the sheriff or the county board of corrections of goods, supplies, and services, setting forth (1) that the invoice correctly describes the goods as to quality and quantity, (2) that the same have been received and are in the custody of the affiant, (3) that they have been or will be devoted exclusively to the purposes authorized in this section, and (4) that the price charged is reasonable and just. Nothing in this section shall be construed to restrict the sheriff or the county board of corrections in employing necessary personnel and from otherwise carrying out ~~his or her~~ the duties required in the operation of the jail.

Sec. 5. Section 47-121, Reissue Revised Statutes of Nebraska, is amended to read:

47-121. The county board of each county and the county board of corrections serving pursuant to Chapter 23, article 28, confining state prisoners within its jails shall receive ~~three dollars and fifty cents per day~~ reimbursement from the state pursuant to section 3 of this act for boarding such prisoners. Such boards are hereby authorized to provide such meals, fuel, lights, washing, and clothing as may be necessary for the comfort of such prisoners while in custody in their county. The sheriff or county board of corrections shall, on ~~the first day of January, April, July, and October of each year~~ a regular basis not less than quarterly nor more than monthly, make a report in writing to the Director of ~~Administrative~~ Correctional Services of the number of state prisoners in custody in such county for whom reimbursement is claimed. Such report shall be consistent with the rules and regulations adopted and promulgated by the department. All claims for reimbursement ~~the last three months before making its report, when committed, and for what time, the amount due the county board for boarding such prisoner or prisoners, the amount of clothing furnished each prisoner and the costs of the same, and the amount expended for washing, lights, and fuel, for that quarter, which amount~~ shall be sworn to by the sheriff or a designated representative of the county board of corrections before the clerk of the county and certified to under his or her seal. Thereupon the director shall ~~quarterly draw his or her~~ request that a warrant be drawn upon the State Treasurer for the amount due to the county treasurer of the county, and the amount drawn shall be credited to the general fund of the county. ~~When conditions require a constant guard to be kept to prevent the escape of prisoners confined therein, the sheriff shall be allowed actual costs per day for guarding or procuring guard for such prisoners, which shall be paid to him or her quarterly by the governmental unit responsible for the commitment of the prisoner.~~

Sec. 6. The Department of Correctional Services may adopt and promulgate rules and regulations to implement sections 1 to 6 of this act.

Sec. 7. Section 83-4,133, Reissue Revised Statutes of Nebraska, is amended to read:

83-4,133. If the governing body of the juvenile detention facility or criminal detention facility fails to initiate corrective action within six months ~~of~~ after the receipt of such inspection report, fails to correct the disclosed conditions, or fails to close the criminal detention facility or juvenile detention facility or the objectionable portion thereof, the Jail Standards Board ~~may~~ shall advise the Department of Correctional Services that the criminal detention facility does not qualify for reimbursement for state prisoners under section 3 of this act and at the same time or at a later date may petition the district court

within the judicial district in which such facility is located to close the facility. Such petition shall include the inspection report regarding such facility. The local governing body shall then have thirty days to respond to such petition and shall serve a copy of the response on the Jail Standards Board by certified mail, return receipt requested. Thereafter, a hearing shall be held on the petition before the district court, and an order shall be rendered by such court which either:

(1) Dismisses the petition of the Jail Standards Board;

(2) Directs that corrective action be initiated in some form by the local governing body of the facility in question; or

(3) Directs that the facility be closed. An appeal from the decision of the district court may be taken to the Court of Appeals.

If the Jails Standards Board petitions to have the facility closed, the local governing body may challenge the no reimbursement for state prisoners determination in that action, and if there is no petition to close the facility, the local governing body may challenge the no reimbursement for state prisoners determination by filing an action in district court.

Sec. 8. Sections 6 and 8 of this act become operative on January 1, 1999. The other sections of this act become operative July 1, 1999.

Sec. 9. Original sections 47-120, 47-121, and 83-4,133, Reissue Revised Statutes of Nebraska, and section 47-119, Revised Statutes Supplement, 1996, are repealed.

Sec. 10. The following sections are outright repealed: Sections 29-1002 to 29-1005, Reissue Revised Statutes of Nebraska.".

Mmes. Robak, Brown, Messrs. Dierks, and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

Messrs. Landis, Hartnett, and Ms. Schimek asked unanimous consent to be excused. No objections. So ordered.

Pending.

## STANDING COMMITTEE REPORTS
### Education

**LEGISLATIVE BILL 940.** Placed on General File.
**LEGISLATIVE BILL 1103.** Placed on General File.
**LEGISLATIVE BILL 1133.** Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

## AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 579:
(Amendment, AM2898, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers filed the following amendment to LB 695:
FA464
Amend AM2905
P. 1, Strike lines 9-11

## WITHDRAW - Cointroducer

Mr. Hartnett withdrew his name as cointroducer to LB 1075.

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 972 and LB 1300. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 1278. No objections. So ordered.

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 777. No objections. So ordered.

Mr. Willhoft asked unanimous consent to have his name added as cointroducer to LB 465. No objections. So ordered.

## VISITORS

Visitors to the Chamber were David Shelso, Dean Johnson, and Mary Sendgraff from Fremont, and Tom Mountford from Lincoln; Roger and Nancy Berry from Farnam; Seth Capron from Hastings; Joyce Moravek and Diane Stoklasa from Grand Island; Fred and Lorraine Teller from Hastings; and Peppy Bahr from Grand Island.

The Doctor of the Day was Kari Hutson from Lincoln.

## ADJOURNMENT

At 11:59 a.m., on a motion by Mrs. Thompson, the Legislature adjourned until 9:00 a.m., Thursday, January 29, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTEENTH DAY - JANUARY 29, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 29, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Pastor John Stemple, Interim Regional Minister Christian Churches of Nebraska, Disciples of Christ.

## ROLL CALL

The roll was called and all members were present except Messrs. Cudaback, Hilgert, Matzke, and Mrs. Kiel who were excused; and Messrs. Abboud, Dw. Pedersen, Schellpeper, Vrtiska, Will, Mmes. Hillman, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

## NOTICE OF COMMITTEE HEARING
## Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 1184 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1295 | Thursday, February 5, 1998 | 1:30 p.m. |
| LB 1319 | Thursday, February 5, 1998 | 1:30 p.m. |

(Signed) C. N. "Bud" Robinson, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 306.** Considered.

Mr. Schellpeper withdrew the second Schellpeper et al. amendment, FA206, found on page 1762, First Session, 1997, and considered on page 1770, First Session, 1997.

Mr. Schellpeper withdrew the remaining portions of AM1808, printed separately and referred to on page 1749.

Mr. Tyson withdrew his amendment, FA199, found on page 1723, First Session, 1997.

Messrs. Tyson and Maurstad withdrew their amendment, AM1816, found on page 1767, First Session, 1997.

Mr. Maurstad withdrew his amendment, AM1684, found on page 1767, First Session, 1997.

Mr. Wickersham withdrew the Withem amendments, FA201 and FA203, found on page 1767, First Session, 1997.

Mr. Janssen withdrew his amendment, AM1821, found on page 1768, First Session, 1997.

Mr. Beutler renewed his pending amendment, AM1827, found on page 1771, First Session, 1997, to the Standing Committee amendment.

Mr. Beutler withdrew his amendment.

Mr. Schellpeper withdrew the Schellpeper et al. amendment, AM2751, printed separately and referred to on page 183.

Mr. Hartnett and Mrs. Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham renewed the Revenue Committee pending amendment, AM2828, printed separately and referred to on page 426, to the Standing Committee amendment.

The Revenue Committee amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Messrs. Coordsen and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

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

**LEGISLATIVE BILL 939.** Title read. Considered.

Mr. Chambers moved to indefinitely postpone LB 939.

Pending.

## STANDING COMMITTEE REPORTS
### Natural Resources

**LEGISLATIVE BILL 922.** Placed on General File.

(Signed) Chris Beutler, Chairperson

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 1111.** Placed on General File.
**LEGISLATIVE BILL 1128.** Placed on General File.

**LEGISLATIVE BILL 1042.** Placed on General File as amended.
Standing Committee amendment to LB 1042:
AM2899

1. On page 2, line 7, strike the comma and insert "or"; in line 8 strike ", intimate partner, or caretaker"; and in line 11 strike "severe emotional distress, psychological trauma,".

2. On page 3, line 5, after "or" insert "the" and after "perception" insert "on the part of the insurer".

3. On page 5, line 23, after "(d)" insert "In the case of a property and casualty insurer, (i) denying or limiting payment for a covered loss or denying a covered claim incurred as a result of abuse by a person other than a coinsured or (ii) failing to pay losses arising out of abuse to an innocent first-party claimant to the extent of such claimant's legal interest in the covered property if the loss is caused by the intentional act of an insured or using other exclusions or limitations on coverage which the director has determined unreasonably restrict the ability of subjects of abuse to be indemnified for such losses. Subdivision (1)(d) of this section does not require payment in excess of the loss or policy limits. Nothing in subdivision (1)(d) of this section shall be construed to prohibit an insurer from applying reasonable standards of proof to claims under such subdivision;
(e)".

4. On page 7, line 11, strike "(e)" and insert "(f)".

5. On page 8, line 15, strike "(d)" and insert "(e)".

6. On page 9, line 9, after "a" insert "property"; in lines 12 and 17 strike "insured" and insert "coinsured"; and in line 13 strike "insured's" and insert "coinsured's".

7. On page 17, line 21, after "of" insert "Abuse in".

**LEGISLATIVE BILL 1077.** Placed on General File as amended.
Standing Committee amendment to LB 1077:
AM2890

1. Strike original sections 2 and 6.

2. On page 3, line 24, after "(8)" insert "on or after January 1, 1999,"; and in line 25 after "Pool" insert "if the policy provides health insurance as defined in section 44-4209".

3. On page 6, line 17, reinstate the stricken matter; and in lines 21 and 22 strike "; and (v) Who" and insert "or who".

4. On page 8, line 11, after "rider" insert "issued on or after January 1, 1999,".

5. On page 9, line 15, strike "44-1708," and after the last comma insert "and"; and in line 16 strike "and 77-908,".

6. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 1088.** Placed on General File as amended.
Standing Committee amendment to LB 1088:
AM2901

1. On page 5, line 24, strike the first comma; and strike beginning with the second comma in line 24 through "issued" in line 25.

**LEGISLATIVE BILL 1094.** Placed on General File as amended.
Standing Committee amendment to LB 1094:
AM2902

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 17, strike ", write,"; and in line 20 after the period insert "The sale and solicitation of insurance pursuant to this section shall be subject to compliance with the insurance laws of this state and rules and regulations adopted and promulgated thereunder.".

**LEGISLATIVE BILL 1145.** Placed on General File as amended.
Standing Committee amendment to LB 1145:
AM2903

1. Strike original sections 1 and 2.

2. On page 15, line 18, strike "9-203 and 9-402" and insert "9-403".

3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 425.** Indefinitely postponed.
**LEGISLATIVE BILL 731.** Indefinitely postponed.
**LEGISLATIVE BILL 868.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

**Agriculture**

**LEGISLATIVE BILL 1193.** Placed on General File.

(Signed) Merton L. Dierks, Chairperson

**AMENDMENTS - Print in Journal**

Mr. D. Pederson filed the following amendment to LB 695:
FA465
Amend AM2905
page 1, line 21, after "facility" add or placed on probation for such crime;
page 2, line 7, after "facility" add or placed on probation for such crime;
page 2, line 13, after "facility" add or placed on probation for such crime;

Mr. Preister filed the following amendment to LB 395:
AM2854
(Amendments to Standing Committee amendments, AM1138)

1. Strike sections 1 to 15 and insert the following new sections:

"Section 1. The Legislature finds and declares that protection of human health and the environment is enhanced by encouraging regulated entities to voluntarily discover, promptly disclose, expeditiously correct, act to prevent recurrence of, and remedy any environmental harm which may have occurred. The Legislature further declares that such activities may be encouraged by assuring limited immunity protection for environmental audit findings and by providing fair treatment of those who cooperate with regulatory authorities.

Sec. 2. For purposes of this act:

(1) Cooperation includes, but is not limited to, providing all information necessary to determine applicability of such sections, including, but not limited to, requested documents, access to employees, assistance in investigating an environmental violation, any noncompliance problems related to disclosure, and any environmental consequences related to the violation;

(2) Due diligence means a regulated entity's systematic efforts, appropriate to the size and nature of its business, to prevent, detect, and correct violations through all of the following:

(a) Compliance policies, standards, and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, and other sources of authority for environmental requirements;

(b) Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures and assignment of specific responsibility for assuring compliance at each facility or operation;

(c) Mechanisms for systematically assuring that

compliance policies, standards, and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the compliance management system, and a means for employees or agents to report violations of environmental requirements without fear of retaliation; and

(d) Procedures for the prompt and appropriate correction of any violations, including any necessary modifications to the regulated entity's program to prevent future violations;

(3) Environmental audit means a systematic, documented, periodic, and objective review of facility operations and practices related to meeting environmental requirements by a regulated entity or by an agent engaged by such regulated entity specifically for the purpose of performing such audit;

(4) Environmental requirement means an environmental protection requirement contained in:

(a) 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 an order issued pursuant to such state or federal laws, or an agreement entered into or court order issued pursuant to such state or federal laws; or

(b) An ordinance or other legally binding requirement of a local governmental unit under authority granted by state or federal law relating to environmental protection;

(5) Person means an individual, a partnership, a limited liability company, an association, a public or private corporation, a trustee, a receiver, an assignee, an agent, a municipality, another governmental subdivision, public agency, or 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; and

(6) Violation means a violation which has occurred or may have occurred of an environmental requirement.

Sec. 3. Civil penalties or penalties pursuant to local ordinances for a violation may be mitigated by the court or by the regulatory agency in negotiating penalty settlements if:

(1) The violation was discovered through an environmental audit or due diligence;

(2) Written disclosure is made within ten days after discovery of the violation to the regulatory agency;

(3) The disclosure is voluntary and the violation is identified and disclosed by the regulated entity prior to:

(a) The commencement of a federal, state, or local regulatory agency inspection or investigation or the issuance by such agency of an information request to the regulated entity;

(b) Notice of a citizen suit;

(c) The filing of a complaint by a third party;

(d) The reporting of the violation to the regulatory agency by a whistleblower employee rather than by one authorized to speak on behalf of the regulated entity; or

(e) Imminent discovery of the violation by a regulatory agency;

(4) The violation is corrected as expeditiously as possible but at least within sixty days after discovery;

(5) Any harm caused by the violation has been remedied, including, but not limited to, removal or remedial action;

(6) The regulated entity has agreed to appropriate measures and has implemented such measures to prevent recurrence of the violation; and

(7) The regulated entity cooperates with the regulatory agency.

For purposes of subdivision (2) of this section, when a statute, rule, or regulation requires disclosure to be made in less than ten days, disclosure shall be made within the time limit established by such statute, rule, or regulation. When disclosure within ten days is not practical because compliance cannot be determined within that period, the regulatory agency may accept later disclosure if the circumstances do not present a serious threat and the regulated entity meets its burden of showing that the additional time was needed to determine compliance status.

For purposes of subdivision (3) of this section and subdivision (1) of section 4 of this act, the disclosure is not voluntary if (a) the information or documents are required to be developed, maintained, or reported pursuant to any environmental requirements or (b) the information or documents are required to be available or furnished to a regulatory agency pursuant to any environmental requirement or any other law.

For purposes of subdivision (4) of this section, if more than sixty days is needed to correct the violation, the regulated entity must notify the regulatory agency in writing before the sixty-day period has passed. The regulatory agency may grant an additional period of time to make corrections if it determines that additional time is necessary and the regulated entity is proceeding expeditiously to come into compliance.

The regulatory agency may require that to satisfy subdivisions (5) and (6) of this section a regulated entity must enter into a publicly available written agreement, administrative consent order, or judicial consent decree, particularly if compliance or remedial measures are complex or a lengthy schedule of attaining and maintaining compliance or remediating harm is required.

This section does not preclude the court from imposing a penalty to recover economic benefit or preclude the regulatory agency from negotiating a settlement for the recovery of any economic benefit resulting from noncompliance with an environmental

requirement.

Sec. 4. Mitigation of penalties shall not be granted if:

(1) A person is required under an environmental requirement, under a specific permit condition, consent agreement, or judicial order, or under an order issued by a regulatory agency to make a disclosure to a regulatory agency with regard to the violation disclosed and the disclosure is not voluntary with respect to that agency;

(2) Repeat violations or closely related violations have occurred previously within the past three years at the same facility or are part of a pattern of federal, state, or local violations by a facility's parent organization which have occurred within the past five years;

(3) The violation is one which resulted in serious actual harm or may have presented an imminent and substantial endangerment to human health or the environment;

(4) The violation is knowing and willful; or

(5) The violation is of a specific term of a judicial or administrative order or consent agreement.

For purposes of subdivision (2) of this section, violation also includes any act or omission for which the regulated entity has previously received penalty mitigation from a federal, state or local regulatory agency.

Sec. 5. Sections 1 to 4 of this act do not affect the regulatory authority of any regulatory agency to require any action associated with the information disclosed.

Sec. 6. Sections 1 to 5 of this act do not limit, waive, or abrogate the scope or nature of any statutory or common-law privilege, including the work product rule and the attorney-client privilege.

Sec. 7. This act terminates on July 1, 2002.".

## RESOLUTION

**LEGISLATIVE RESOLUTION 322.** Introduced by Coordsen, 32; Crosby, 29; Wesely, 26; Kristensen, 37.

WHEREAS, every decade this century there has been a member of the Warner family in public office; and

WHEREAS, Charles, Esther, Jerome, Betty, and Charlie Warner contributed to the betterment of Nebraska society by participating in the Nebraska political process and contributing in various ways in developing public policy; and

WHEREAS, Charles Warner served twenty-six years as a State Senator and was elected Lieutenant Governor four times; and

WHEREAS, Jerome Warner was nine years old when his father was elected Speaker of the first session of the Nebraska Unicameral Legislature and Jerome Warner continued the tradition of family service by serving as a member of the Legislature from January 1, 1963, to April 20, 1997, which

is the longest service of any member of the Legislature; and

WHEREAS, Jerome Warner was elected to represent the twenty-fifth legislative district, but his approach was always to serve on behalf of the whole State of Nebraska; and

WHEREAS, Jerome Warner held many leadership positions within the Legislature including Chairperson of the Government and Military Affairs Committee, Chairperson of the Executive Board of the Legislative Council, Chairperson of the Appropriations Committee, Chairperson of the Revenue Committee, Chairperson of the Education Committee, and Speaker; and

WHEREAS, Jerome Warner helped guide significant changes to the Nebraska statutes and the Nebraska Constitution that had an impact on such issues as school funding, highway construction and funding, state government operations and structure, higher education, the budgeting process, and revenue and taxation; and

WHEREAS, every aspect of Nebraska society was touched in a positive way by the work and leadership of the members of the Warner family.

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

1. That the East Chamber be named in honor of the Warner family and be officially known as the Warner Legislative Chamber.

2. That a plaque inscribed with this commemorative designation be prepared and placed in an appropriate location near the entrance to such chamber.

Laid over.

## NOTICE OF COMMITTEE HEARINGS
### Judiciary

| | | |
|---|---|---|
| LB 1317 | Thursday, February 5, 1998 (cancel) | 1:30 p.m. |
| Thursday, February 12, 1998<br>Board of Parole<br>James A. Pearson | | 1:30 p.m. |
| LB 1317 | Wednesday, February 25, 1998 | 1:30 p.m. |
| LB 1309 | Wednesday, February 25, 1998 | 1:30 p.m. |
| LB 1349 | Wednesday, February 25, 1998 | 1:30 p.m. |

(Signed) Kermit A. Brashear, Chairperson

## ANNOUNCEMENTS

The Agriculture Committee designates LB 1193 as its priority bill.

Mr. Vrtiska designates LB 1138 as his priority bill.

## GENERAL FILE

**LEGISLATIVE BILL 939.** The Chambers pending motion, found in this day's Journal, to indefinitely postpone, was renewed.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 0.

Voting in the negative, 36:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Jensen | Raikes | Tyson |
| Beutler | Elmer | Jones | Robinson | Vrtiska |
| Bohlke | Engel | Kristensen | Schimek | Wehrbein |
| Brashear | Hartnett | Maurstad | Schrock | Wesely |
| Bromm | Hillman | Pedersen, Dw. | Stuhr | Wickersham |
| Brown | Hudkins | Pederson, D. | Suttle | Willhoft |
| Bruning | Janssen | Peterson, C. | Thompson | Witek |
| Crosby | | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Lynch | Preister | Schellpeper | Schmitt |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Coordsen | Hilgert | Landis | Robak | Will |
| Cudaback | Kiel | Matzke | | |

The Chambers motion to indefinitely postpone failed with 0 ayes, 36 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to reconsider the vote on the motion to indefinitely postpone LB 939.

Messrs. Janssen, Schellpeper, Beutler, Bromm, and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 32:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Jones | Raikes | Tyson |
| Bohlke | Engel | Kristensen | Schimek | Wehrbein |
| Brashear | Hartnett | Maurstad | Schrock | Wesely |
| Brown | Hillman | Pedersen, Dw. | Stuhr | Wickersham |
| Bruning | Hudkins | Pederson, D. | Suttle | Willhoft |
| Crosby | Janssen | Peterson, C. | Thompson | Witek |
| Dierks | Jensen | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Lynch | Preister | Schmitt |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Landis | Robinson | Vrtiska |
| Bromm | Hilgert | Matzke | Schellpeper | Will |
| Coordsen | Kiel | Robak | | |

The Chambers motion to reconsider failed with 1 aye, 32 nays, 3 present and not voting, and 13 excused and not voting.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 320.** Placed on Select File as amended.
(E & R amendment, AM7193, 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 497.** Placed on Select File as amended.
(E & R amendment, AM7192, 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 834.** Placed on Select File.

**LEGISLATIVE BILL 369.** Placed on Select File as amended.
E & R amendment to LB 369:
AM7194

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system; ~~or lid;~~

(2) The employment of instruments, devices, pharmaceutical agents, other than oral therapeutic agents used in the treatment of glaucoma, ~~excluding antiglaucoma agents,~~ and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual system ~~or lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies and the ordering of procedures and laboratory tests rational to the diagnosis of conditions or diseases of the human eye, ocular adnexa, or visual system; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system.

The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth. ~~or lid.~~

Sec. 2. Section 71-1,134, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,134. Sections 71-1,133 to ~~71-1,136~~ 71-1,136.09 shall not be construed to (1) include merchants or dealers who sell glasses as merchandise in an established place of business or who sell contact lenses from a prescription for contact lenses written by an optometrist or a person licensed to practice medicine and surgery and who do not profess to be optometrists or practice optometry as defined in section 71-1,133; or (2) restrict, expand, or otherwise alter ~~practices or acts~~ the scope of practice governed by other statutes.

Sec. 3. Section 71-1,135, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an

examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1997, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 4. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, ~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 5. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a

pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;
(ii) Review of ocular therapeutic pharmacology;
(iii) Diagnosis and treatment of diseases of the ~~lid, lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;
(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;
(v) Diagnosis and treatment of anterior segment eye diseases;
(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;
(vii) Ocular manifestations of systemic disease;
(viii) Review of systemic disease syndromes;
(ix) Ocular therapy including management of acute systemic emergencies; and
(x) Consultation criteria in ocular disease and trauma.

(3)(a) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes on the effective date of this act who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the educational requirements relative to the treatment of glaucoma, as determined by the Board of Examiners in Optometry, prior to January 1, 2000, and shall complete such educational requirements prior to treating glaucoma. Failure to complete such education prior to January 1, 2000, shall result in the revocation of the licensee's certification to use pharmaceutical agents for therapeutic purposes.

(b) An optometrist who applies for licensure on or after the effective date of this act who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the educational requirements relative to the treatment of glaucoma, as determined by the Board of Examiners in Optometry, prior to being issued a license to practice optometry.

(c) An optometrist who graduated from an accredited school of optometry after January 1, 1996, shall be deemed to have met the educational requirements for certification to use pharmaceutical agents for therapeutic purposes which includes the treatment and management of glaucoma.

Sec. 6. Section 71-1,135.03, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.03. (1) No course or courses in pharmacology shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless taught by an institution which is accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and the transcript credit for the course or courses is certified to the board by the institution.

(2) No course of instruction in the treatment of glaucoma shall be approved by the department upon the recommendation of the

Board of Examiners in Optometry unless it is taught by an institution that is recognized by the United States Department of Education or its successor and the content for the course is certified to the board by the institution as being comparable in content to a course of instruction in the treatment of glaucoma required by other licensing boards for licensees or registrants allowed to treat glaucoma in the scope of their professional practice.

Sec. 7. Section 71-1,135.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the ~~board~~ Board of Examiners in Optometry shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 8. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of 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 utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 9. 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. 10. Original sections 71-1,133 to 71-1,135.04 and 71-1,135.06, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, line 2, strike "71-1,135.02 and" and after "71-1,135.04" insert "and 71-1,135.06"; and in line 7 after the first semicolon insert "to provide requirements for the standard of care for the treatment of glaucoma; to harmonize provisions;".

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
### Urban Affairs

**LEGISLATIVE BILL 319.** Indefinitely postponed.

**LEGISLATIVE BILL 481.** Indefinitely postponed.
**LEGISLATIVE BILL 487.** Indefinitely postponed.
**LEGISLATIVE BILL 637.** Indefinitely postponed.
**LEGISLATIVE BILL 651.** Indefinitely postponed.
**LEGISLATIVE BILL 763.** Indefinitely postponed.
**LEGISLATIVE BILL 825.** Indefinitely postponed.
**LEGISLATIVE BILL 826.** Indefinitely postponed.
**LEGISLATIVE BILL 836.** Indefinitely postponed.
**LEGISLATIVE BILL 991.** Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

## AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 939:
FA466
P. 4, line 12, strike "fifty" and show as stricken and insert "sixty"; and in line 13, after "hundred", and insert "fifty"

Mr. Lynch filed the following amendment to LB 939:
AM2919
1. On page 4, line 19, after the period insert "If an application is not filed by January 1, 1999, which proposes to create the new investment and employment over seven years, the seven-year time limit in this subsection shall be reduced to a five-year time limit and the new investment and employment shall occur by the end of the fourth year after the end of the year the application was filed.".
2. On page 5, strike beginning with line 14 through the first "project" in line 15, show the old matter as stricken, and insert "time prescribed in section 77-4928".

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following rereferral of LB 1337:

| LB | Committee |
|---|---|
| 1337 | Health and Human Services |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 1183. No objections. So ordered.

Mrs. Thompson asked unanimous consent to have her name added as cointroducer to LB 301 and LB 536. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 822. No objections. So ordered.

## WITHDRAW - Cointroducer

Mr. Wehrbein withdrew his name as cointroducer to LB 1285.

## VISITORS

Visitors to the Chamber were Everett Lech from Ord; and 60 fourth grade students and teachers from Longfellow Elementary School, Hastings.

The Doctor of the Day was William Coady from Lincoln.

## MOTION - Adjournment

Mr. Maurstad moved to adjourn until 9:00 a.m., Friday, January 30, 1998.

Mr. Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 32:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Maurstad | Schimek | Tyson |
| Bohlke | Hillman | Pedersen, Dw. | Schmitt | Wehrbein |
| Brashear | Hudkins | Pederson, D. | Schrock | Wesely |
| Bruning | Janssen | Peterson, C. | Stuhr | Wickersham |
| Crosby | Jensen | Preister | Suttle | Willhoft |
| Dierks | Jones | Raikes | Thompson | Witek |
| Elmer | Kristensen | | | |

Voting in the negative, 2:

| | |
|---|---|
| Brown | Chambers |

Present and not voting, 2:

| | |
|---|---|
| Engel | Lynch |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Landis | Robinson | Vrtiska |
| Bromm | Hilgert | Matzke | Schellpeper | Will |
| Coordsen | Kiel | Robak | | |

The Maurstad motion to adjourn prevailed with 32 ayes, 2 nays, 2 present and not voting, and 13 excused and not voting, and at 12:09 p.m., the Legislature adjourned until 9:00 a.m., Friday, January 30, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

## SIXTEENTH DAY – JANUARY 30, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 30, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Dr. Julian L. Miguel, Warren Methodist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Cudaback, Engel, Hartnett, Matzke, Vrtiska, Mmes. Robak, and Witek who were excused; and Messrs. Abboud, Coordsen, Dierks, Landis, Schrock, Tyson, Will, Mmes. Bohlke, Hillman, and Kiel who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

## STANDING COMMITTEE REPORTS
### Appropriations

**LEGISLATIVE BILL 27.** Indefinitely postponed.
**LEGISLATIVE BILL 213.** Indefinitely postponed.
**LEGISLATIVE BILL 214.** Indefinitely postponed.
**LEGISLATIVE BILL 349.** Indefinitely postponed.
**LEGISLATIVE BILL 514.** Indefinitely postponed.
**LEGISLATIVE BILL 669.** Indefinitely postponed.
**LEGISLATIVE BILL 681.** Indefinitely postponed.
**LEGISLATIVE BILL 824.** Indefinitely postponed.
**LEGISLATIVE BILL 833.** Indefinitely postponed.
**LEGISLATIVE BILL 844.** Indefinitely postponed.
**LEGISLATIVE BILL 857.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 2CA.** Indefinitely postponed.

(Signed) Roger R. Wehrbein, Chairperson

## ATTORNEY GENERAL'S OPINION

Opinion No. 98007

DATE: January 23, 1998

SUBJECT: Legislation to Amend Proposed Boundary Compact With Missouri

REQUESTED BY: Roger R. Wehrbein, Senator, Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Marie C. Pawol, Assistant Attorney General

You have posed two questions relating to LB 59, legislation that would recognize the middle of the Missouri River channel as the compromise boundary between the states of Missouri and Nebraska. You note that an amendment (AM 1604) to LB 59 has been introduced which proposes to establish a state fund for the replacement of lost tax revenues sustained by any Nebraska political subdivision as the result of lands ceded to another state.

First, you question whether AM 1604 would be considered "closed class" legislation, causing LB 59 to be declared unconstitutional if enacted. Second, you ask whether AM 1604, or any other possible amendment, would invalidate the proposed boundary compact between Missouri and Nebraska, if enacted, since Nebraska's legislation would not remain identical to that already passed by Missouri's General Assembly.

As to the first inquiry, it is our opinion that the proposed amendment does not constitute "special legislation" in violation of Article III, § 18 of our State's Constitution. A legislative act constitutes special legislation if it creates an arbitrary and unreasonable method of classification, or if it establishes a permanently "closed class." *Haman v. Marsh*, 237 Neb. 699, 467 N.W.2d 836 (1991). A closed class is one that limits the application of the law to present conditions, and leaves no room or opportunity for an increase in the numbers of the class by future growth or development. *City of Ralston v. Balka*, 247 Neb. 773, 530 N.W.2d 594 (1995).

In determining whether a class is closed, courts are not limited to reviewing the language used by the legislature, but may also consider an act's practical application. So, if the prospect that others will be added to a class is merely theoretical, and not probable, the act nevertheless constitutes special legislation. "The conditions for entry to the class must not only be possible, but reasonably probable of attainment." *Haman*, 237 Neb. at 718, 467 N.W.2d at 849. In *Haman v. Marsh*, the Nebraska Supreme Court

determined that the class of depositors benefitted by the challenged legislation was closed despite open-ended language of the act. As noted by the court, "[t]he realities of the situation are that except for a highly improbable set of events the class is permanently closed to future members." *Id. See also, Scottsbluff v. Tiemann*, 185 Neb. 256, 262, 175 N.W.2d 74 (1970)(legislation directing certain cities to establish municipal courts found unconstitutional because the act's reference to particular census assured that, in practical operation, class was limited to two cities).

On its face, AM 1604 is not restricted solely to those political subdivisions impacted by the proposed boundary compact between the states of Missouri and Nebraska. Nor, by its practical application, is AM 1604 permanently closed to a set number of political subdivisions. Rather, the amendment leaves open the possibility that other political subdivisions may be included in the class as the result of future state agreements or compacts that entail the ceding of land within the State's borders. Thus, we conclude that the class of political subdivisions identified by AM 1604 is not of a closed nature. *See e.g., Hunzinger v. State*, 39 Neb. 653, 58 N.W. 194 (1894)(an act will not be declared special legislation, solely because at time of enactment there was only one county to which provisions were applicable); *State v. Stuht*, 52 Neb. 209, 71 N.W. 941 (1897)(a law, general in character, although affecting but one city, is constitutional); *Omaha Parking Authority v. City of Omaha*, 163 Neb. 97, 77 N.W.2d 862 (1956)(legislature may properly enact laws applicable to all cities of a given class even though there is only one city presently within the class).

With respect to the second issue raised, it is our view that amending LB 59 to include provisions not found in Missouri's counterpart legislation will not undermine the ability of the states to reach a valid compact, so long as any such amendment places no burdens on the compact, and is not made part of the compact agreement itself. In *Northeast Bancorp, Inc. v. Board of Gov'rs of the Federal Reserve System*, 472 U.S. 174, 105 S. Ct. 2545, 2254 (1985), the United States Supreme Court outlined some of the indicia of compacts. These include conditional consent by member states in which each state is not free to modify or repeal its participation unilaterally; and state enactments which require reciprocal action for their effectiveness. *See also, In People, Ect. v. City of South Lake Tahoe*, 466 F. Supp. 527, n.29 (E.D. Cal. 1978)("[i]n order to secure congressional approval of a bi-state compact as required by the Constitution, the legislation enacted by the states must be identical in every respect"); *Seattle Master Builders v. Pacific N.W. Elec. Power*, 786 F.2d 1359, 1363 (9th Cir. 1986).

The "reciprocal legislation" noted in the foregoing cases, however, is a reference to the compact agreement itself, not recitals or administrative sections contained within the enabling legislation that may necessarily differ between compacting states' respective legislative proposals. *See e.g. Bush v. Muncy*, 659 F.2d 402, 412, n.8 (4th Cir. 1981)(noting that "local adaptations" contained within states' respective compact proposals "are perfectly compatible with a mutual intention of party states that the

substantive provisions of the compact shall be identical in substance and hence subject to uniform application among all the parties.") In short, so long as non-reciprocal terms are not contained in the text of the agreement itself, and do not alter the intended operation of the states' compact, such variants will not undermine the validity of an interstate compact. As noted by the court in *C.T. Hellmuth v. Washington Metro. Area Trans.*, 414 F. Supp. 408 (D. Maryland 1976):

> It is within the competency of a State which is a party to a compact with another State, to legislate in respect of matters covered by the compact so long as such legislative action is in approbation and not in reprobation of the compact.

*Kansas City Area Transp. Auth. v. State of Mo.*, 640 F.2d 173, 174 (8th Cir. 1981), quoting *Henderson v. Delaware River Joint Toll Bridge Comm'n*, 362 Pa. 475, 66 A.2d 843, 849 (1949).

Thus, because the provisions contained in AM 1604 would not impose burdens upon the operation of the proposed compact, there is nothing to preclude its adoption. As a cautionary measure, however, we would recommend that AM 1604 be modified to clarify that its terms are not in reprobation of the compact, nor made a part of the compact agreement itself. The inclusion of a severability clause would also avoid any possibility that the proposed compact might be nullified as the result of non-reciprocal amendments to LB 59.

Sincerely,
DON STENBERG
Attorney General
(Signed) Marie C. Pawol
Assistant Attorney General

23-3982-8.35

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 29, 1998, 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

Dugan, Susie - Omaha; PRIDE-Omaha, Inc.
Fischer, Gary L. - Omaha; Family Housing Advisory Services, Inc.
Gilbertson, Korby M. - Lincoln; Nebraska Wildlife Protector's Association, Inc./Operation Game Thief (OGT)
Johnson, Jerry B. - Osage Beach, MO; Johnson & Johnson
Maddux, Cynthia Wood - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)

Moody, Randall - Lincoln; Real Estate Owners and Managers Association (REOMA)
O'Hara & Associates, Inc.
O'Hara, Paul V. - Lincoln; Allegiance Healthcare Corporation; Nebraska Chapter of the National Association of Housing & Redevelopment Officials
Pappas, James E. - Lincoln; Independent Collegiate Consulting; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA); Northwestern Public Service
Rembolt Ludtke Berger
Fahleson, Mark A. - Lincoln; High Plains Corporation; Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Stuart, James Timothy - Omaha; Greater Omaha Chamber of Commerce
Tewes, Timothy A. - Lincoln; Norwest Bank Nebraska, N.A.
Thrasher, Lowell M. - Omaha; Norwest Bank Nebraska, N.A.
Vickers, Tom - Lincoln; Coalition of Affiliated High School District; Nebraska Association for the Gifted

## REPORTS

The following reports were received by the Legislature:

**Energy Office, Nebraska**
Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Report

**Health and Human Services System**
New Hire Reporting Act Report

**Investment Finance Authority, Nebraska (NIFA)**
Single Family Housing Revenue Bonds

**Law Enforcement and Criminal Justice, Commission on**
Updated Drug and Violent Crime Strategy Report

**Roads, Department of**
State Highway Commission Quarterly Report

**State of Nebraska**
Annual Financial Report

## ANNOUNCEMENTS

Mr. Bromm designates LB 309 as his priority bill.

Mr. Wehrbein designates LB 976 as his priority bill.

## UNANIMOUS CONSENT - Member Excused

Mr. Bromm asked unanimous consent to be excused until he returns. No

objections. So ordered.

**MOTION - Approve Appointments**

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 439: Dr. Charles E. Andrews - Chief Medical Officer, Health and Human Services; Gina C. Dunning - Director, Regulation and Licensure, Health and Human Services; Andrea Nelson - State Board of Health.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Maurstad | Robinson | Thompson |
| Brashear | Hilgert | Pedersen, Dw. | Schellpeper | Wehrbein |
| Brown | Hudkins | Peterson, C. | Schimek | Wesely |
| Bruning | Janssen | Preister | Schmitt | Wickersham |
| Chambers | Jensen | Raikes | Stuhr | Willhoft |
| Crosby | Kristensen | | | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Jones | Lynch | Pederson, D. | Suttle |

Excused and not voting, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Hillman | Robak | Vrtiska |
| Bohlke | Dierks | Kiel | Schrock | Will |
| Bromm | Engel | Landis | Tyson | Witek |
| Coordsen | Hartnett | Matzke | | |

The appointments were confirmed with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

Mr. Janssen moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointment found on page 455: Bruce W. Bisson - Nebraska Investment Council.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Brashear | Hudkins | Pedersen, Dw. | Robinson | Thompson |
| Brown | Janssen | Pederson, D. | Schellpeper | Wehrbein |
| Bruning | Jensen | Peterson, C. | Schimek | Wesely |
| Chambers | Kristensen | Preister | Schmitt | Wickersham |
| Crosby | Maurstad | Raikes | Stuhr | Willhoft |
| Hilgert | | | | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Jones | Lynch | Suttle |

Excused and not voting, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Hillman | Robak | Vrtiska |
| Bohlke | Dierks | Kiel | Schrock | Will |
| Bromm | Engel | Landis | Tyson | Witek |
| Coordsen | Hartnett | Matzke | | |

The appointment was confirmed with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 939.** Mr. Chambers renewed his pending amendment, FA466, found on page 477.

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

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

| | | | |
|---|---|---|---|
| Beutler | Chambers | Preister | Schimek |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Brashear | Hillman | Jones | Pederson, D. | Stuhr |
| Brown | Hudkins | Kristensen | Peterson, C. | Thompson |
| Bruning | Janssen | Maurstad | Raikes | Tyson |
| Crosby | Jensen | Pedersen, Dw. | Schrock | Wehrbein |

Present and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Coordsen | Kiel | Schellpeper | Suttle | Wickersham |
| Elmer | Lynch | Schmitt | Wesely | Willhoft |
| Hilgert | Robinson | | | |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Hartnett | Robak | Will |
| Bohlke | Dierks | Landis | Vrtiska | Witek |
| Bromm | Engel | Matzke | | |

The Chambers amendment lost with 4 ayes, 20 nays, 12 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Lynch renewed his pending amendment, AM2919, found on page 477.

Messrs. Jones and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Lynch requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kiel | Preister | Schmitt |
| Bruning | Hilgert | Kristensen | Schellpeper | Wesely |
| Chambers | Hudkins | Landis | Schimek | Willhoft |
| Coordsen | Janssen | Lynch | | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Brashear | Hillman | Maurstad | Stuhr | Tyson |
| Brown | Jensen | Raikes | Thompson | Wehrbein |
| Crosby | | | | |

Present and not voting, 7:

| | | | |
|---|---|---|---|
| Dierks | Pederson, D. | Robinson | Wickersham |
| Pedersen Dw. | Peterson, C. | Suttle | |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Schrock | Will |
| Bohlke | Engel | Matzke | Vrtiska | Witek |
| Bromm | Hartnett | Robak | | |

The Lynch amendment lost with 18 ayes, 11 nays, 7 present and not voting, and 13 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.

## STANDING COMMITTEE REPORTS
### Transportation

**LEGISLATIVE BILL 1057.** Placed on General File.

**LEGISLATIVE BILL 42.** Placed on General File as amended.
Standing Committee amendment to LB 42:
AM2910

1. On page 2, line 17, strike "1998" and insert "1999".

**LEGISLATIVE BILL 1056.** Placed on General File as amended.
Standing Committee amendment to LB 1056:
AM2839

1. On page 3, strike lines 9 through 22 and insert

"(2) Prior to taking action under this section, the director shall notify and advise the applicant or certificate holder of the proposed action and the reasons for such action in writing, by registered or certified mail, to his or her last-known business address as shown on the application for the certificate or renewal. The notice shall also include an advisement of the procedures in subsection (3) of this section.

(3) The applicant or certificate holder may, within thirty days after the date of the mailing of the notice, petition the director for a hearing to contest the proposed action. The hearing shall be commenced in accordance with the rules and regulations adopted and promulgated by the department. If a petition is filed, the director shall, within twenty days after receipt of the petition, set a hearing date at which the applicant or certificate holder may show cause why the proposed action should not be taken. The director shall give the applicant or certificate holder reasonable notice of the time and place of the hearing. If the director's decision is adverse to the applicant or certificate holder, the applicant or certificate holder may appeal the decision in accordance with the Administrative Procedure Act.

(4) The filing of the petition shall stay any action by the director until a hearing is held and a final decision and order is issued.

(5) If no petition is filed at the expiration of thirty days after the date on which the notification was mailed, the director may take the proposed action described in the notice.

(6) If, in the judgment of the director, the applicant or certificate holder has complied with or is no longer in violation of the provisions for which the director took action under this section, the director may reinstate the registration certificate without delay.".

2. On page 5, strike lines 5 through 28 and insert

"(2) Prior to taking any action pursuant to this section, the director shall notify and advise the applicant or licensee of the proposed action and the reasons for such action in writing, by registered or certified mail, to his or her last-known business address as shown on the application or license. The notice shall also include an advisement of the procedures in subsection (3) of

this section.

(3) The applicant or licensee may, within thirty days after the mailing of the notice, petition the director in writing for a hearing to contest the proposed action. The hearing shall be commenced in accordance with the rules and regulations adopted and promulgated by the department. If a petition is filed, the director shall, within twenty days after receipt of the petition, set a hearing date at which the applicant or licensee may show cause why the proposed action should not be taken. The director shall give the applicant or licensee reasonable notice of the time and place of the hearing. If the director's decision is adverse to the applicant or licensee, the applicant or licensee may appeal the decision in accordance with the Administrative Procedure Act.

(4) The filing of the petition shall stay any action by the director until a hearing is held and a final decision and order is issued.

(5) If no petition is filed at the expiration of thirty days after the date on which the notification was mailed, the director may take the proposed action described in the notice.

(6) If, in the judgment of the director, the applicant or licensee has complied with or is no longer in violation of the provisions for which the director took action under this section, the director may reinstate the license without delay. An applicant for reinstatement, issuance, or renewal of a license within three years after the date of suspension, revocation, cancellation, or refusal to issue or renew shall submit a fee of one hundred dollars to the director. The director shall remit the fee to the State Treasurer for credit to the Highway Cash Fund.".

3. On page 6, strike lines 1 through 6; and in line 7 strike "(5)" and insert "(7)".

4. On page 13, line 10, strike "(iv)" and insert "(iv)(A)"; and in line 13 after "section" insert ": and

(B) Instruction by the Department of Agriculture required pursuant to the Pesticide Act shall be sufficient for instruction under subdivision (2)(b)(iv)(A) of this section, if it has been approved for that purpose by the carrier enforcement division of the Nebraska State Patrol".

**LEGISLATIVE BILL 286.** Indefinitely postponed.
**LEGISLATIVE BILL 792.** Indefinitely postponed.
**LEGISLATIVE BILL 996.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 31CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 44CA.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### General Affairs

| | | |
|---|---|---|
| LB 1001 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1098 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1097 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1261 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1262 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1351 | Monday, February 9, 1998 | 1:30 p.m. |

(Signed) Stan Schellpeper, Chairperson

## Business and Labor

Monday, February 9, 1998 1:30 p.m.
Commissioner, Department of Labor
Fernando "Butch" Lecuona, III

(Signed) Chris Abboud, Chairperson

## Appropriations

| | | |
|---|---|---|
| LB 925 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1005 | Monday, February 9, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| Monday, February 9, 1998 | | 1:30 p.m. |
| Agency 05 | Supreme Court | |
| Agency 11 | Attorney General | |
| Agency 15 | Pardons and Parole Board | |
| Agency 64 | Nebraska State Patrol | |
| Agency 78 | Law Enforcement and Criminal Justice | |

| | | |
|---|---|---|
| LB 1110 | Tuesday, February 10, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| Tuesday, February 10, 1998 | | 1:30 p.m. |
| Agency 13 | Department of Education | |
| Agency 34 | Nebraska Library Commission | |
| Agency 54 | Nebraska State Historical Society | |
| Agency 69 | Nebraska Arts Council | |

| | | |
|---|---|---|
| LB 924 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1081 | Wednesday, February 11, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| Wednesday, February 11, 1998 | | 1:30 p.m. |
| Agency 16 | Department of Revenue | |
| Agency 19 | Department of Banking | |
| Agency 22 | Department of Insurance | |
| Agency 65 | Department of Administrative Services | |

| | | |
|---|---|---|
| LB 1199 | Thursday, February 12, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| Thursday, February 12, 1998 | | 1:30 p.m. |
| Agency 18 | Department of Agriculture | |
| Agency 33 | Game and Parks Commission | |
| Agency 55 | Natural Resources Commission | |
| Agency 84 | Department of Environmental Quality | |
| LB 976 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1138 | Tuesday, February 17, 1998 | 1:30 p.m. |

(Signed) Roger R. Wehrbein, Chairperson

## ANNOUNCEMENT

The Health and Human Services Committee designates LB 1073 as its priority bill.

## GENERAL FILE

**LEGISLATIVE BILL 939.** Considered.

Mrs. Brown moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kiel | Preister | Thompson |
| Bohlke | Hilgert | Kristensen | Raikes | Tyson |
| Brashear | Hillman | Landis | Robinson | Wehrbein |
| Brown | Hudkins | Maurstad | Schellpeper | Wesely |
| Bruning | Janssen | Pedersen, Dw. | Schrock | Wickersham |
| Coordsen | Jensen | Pederson, D. | Stuhr | Will |
| Crosby | Jones | Peterson, C. | Suttle | Willhoft |
| Dierks | | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 3:

| | | |
|---|---|---|
| Lynch | Schimek | Schmitt |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Hartnett | Robak | Witek |
| Bromm | Engel | Matzke | Vrtiska | |

Advanced to E & R for review with 36 ayes, 1 nay, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Jones and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 822.** Title read. Considered.

Standing Committee amendment, AM2743, found on page 420, was considered.

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

Mr. Maurstad offered the following amendment to the Standing Committee amendment:
FA471
Amend committee amendment, AM2743
On pg. 1, line 16, strike the word "following" through the word "act" in line 17.

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

Messrs. Hilgert, Maurstad, Mmes. Stuhr, and Brown asked unanimous consent to be excused. No objections. So ordered.

Mr. Maurstad withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA472
Amend committee amendment, AM2743
On line 19, page 1, change "eighty five" to "eighty nine"

Mrs. Thompson and Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Mr. Schrock moved the previous question. The question is, "Shall the debate now close?"

Mr. Robinson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA473
On page 1 of committee amendment, change on page 19 "eighty eight"

Pending.

## AMENDMENTS - Print in Journal

Mr. Dierks filed the following amendment to LB 395:
AM2936
(Amendments to Standing Committee amendments, AM1138)
1. On page 3, line 17, strike "and (c)" and insert "(c) no confidentiality protections are given under this section with respect to the generation, storage, transport, or disposal of radioactive material as defined in section 71-3503, and (d)".

Mr. Chambers filed the following amendments to LB 777:

(1)
FA467
P. 2, line 19, strike "Upon good cause shown" and insert, "At the request of any party"; strike "may" and insert "shall"

(2)
FA468
Page 2, line 18, strike "an" and insert, "a court-"

(3)
FA469
P. 2, line 3, after "required" insert "by the court"

(4)
FA470
Page 2, line 7, after "shown.", and page 3, line 4, after "act." insert, "Failure or refusal by any party to participate in such a program shall not constitute contempt nor shall the entry of a final judgment or order modifying a final judgment be delayed more than six months due to such failure or refusal."

## ANNOUNCEMENT

Mr. Abboud designates LB 204 as his priority bill.

## NOTICE OF COMMITTEE HEARINGS
### Agriculture

| | | |
|---|---|---|
| LB 1205 | Tuesday, February 10, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 1049 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1047 | Tuesday, February 10, 1998 | 1:30 p.m. |

(Signed) Merton L. Dierks, Chairperson

**Transportation**

| | | |
|---|---|---|
| LB 1187 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1207 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1264 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 909 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1027 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1157 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1171 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1133 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1256 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 986 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1019 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1188 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 937 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 973 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1147 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1358 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 962 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1297 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 947 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1312 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 908 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 933 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 1269 | Tuesday, February 24, 1998 | 1:30 p.m. |

(Signed) Curt Bromm, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 1157. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 981. No objections. So ordered.

Mrs. C. Peterson asked unanimous consent to have her name added as cointroducer to LB 1183. No objections. So ordered.

Mr. Bruning asked unanimous consent to have his name added as

cointroducer to LB 1100. No objections. So ordered.

Mrs. Brown and Mr. Maurstad asked unanimous consent to have their names added as cointroducers to LB 799. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 1109. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 1292. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Senator Matzke's granddaughter, Alex Matzke, from Seward; 27 high school students and teacher from Adams; and 3 first and second grade students from Christ is the Way Home School, Lindsay and Norfolk.

The Doctor of the Day was Jay Matzke from Seward.

## ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Monday, February 2, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

## SEVENTEENTH DAY - FEBRUARY 2, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 2, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Interim Pastor Herman Gruis, Firth Reformed Church, Firth, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Kiel and Mr. Preister who were excused; and Messrs. Abboud, Cudaback, Dierks, Landis, Dw. Pedersen, Schrock, Wehrbein, Wickersham, Will, Mmes. Bohlke, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

## CORRECTED NOTICE OF COMMITTEE HEARING
### Transportation

LB 1133 corrected to:
LB 1132 Tuesday, February 10, 1998 1:30 p.m.

(Signed) Curt Bromm, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 360.** Mr. Brashear renewed his pending amendment, AM1514, found on page 1560, First Session, 1997, and considered on page 450, 1998.

**MR. COORDSEN PRESIDING**

**MRS. CROSBY PRESIDING**

Mr. Brashear asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Chambers renewed his pending amendment, FA463, found on page 454.

The Chambers amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 974.** Placed on General File.
**LEGISLATIVE BILL 1068.** Placed on General File.
**LEGISLATIVE BILL 1080.** Placed on General File.
**LEGISLATIVE BILL 1122.** Placed on General File.

**LEGISLATIVE BILL 1020.** Indefinitely postponed.
**LEGISLATIVE BILL 1060.** Indefinitely postponed.

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.

Director, Department of Administrative Services
Karen Kilgarin

Accountability and Disclosure Commission
Burnell Steinmeyer
Dawn E. Rockey
Robert J. Sivick

VOTE: Aye: Senators Robinson, Tyson, Schmitt, Willhoft, and Schimek. Nay: None. Absent: Senators Janssen, Cudaback, and Vrtiska.

(Signed) C. N. "Bud" Robinson, Chairperson

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 939.

(Signed) Pat Engel

## GENERAL FILE

**LEGISLATIVE BILL 360.** Mr. Beutler offered the following amendment:

FA474
Amend Chambers amendment
Add after "sanction" in line 19 the words "or civil penalty"

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Matzke offered the following amendment:
FA475
strike the word "ballot" on Line 10 and strike the word "question" on Line 11 of Page 3

Pending.

**LEGISLATIVE BILL 822.** Mr. Beutler renewed his pending amendment, FA473, found on page 492, to the pending Standing Committee amendment.

Mr. Beutler requested a ruling of the Chair on whether LB 822 is properly before the Legislature, and whether it requires an actuarial study, pursuant to Rule 5, Sec. 14(b).

The Chair ruled the bill is properly before the Legislature.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Beutler withdrew his motion to overrule the Chair.

Mr. Beutler moved to return LB 822 to committee.

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

Mr. Chambers moved to bracket LB 822 until February 9, 1998.

Messrs. Raikes, Hartnett, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to bracket.

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. Beutler withdrew his motion to return LB 822 to committee.

Mr. Beutler moved to bracket LB 822 until March 1, 1998.

Mr. Beutler withdrew his motion to bracket.

The Beutler pending amendment, FA473, found on page 492 and considered in this day's Journal, to the pending Standing Committee amendment, was renewed.

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

The Beutler amendment lost with 3 ayes, 25 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM2959

(Amendments to Standing Committee amendments, AM2743)

1. On page 1, line 12, strike "Upon" and insert "Before July 1, 2001, upon".

2. On page 3, line 22, after "act" insert "and before July 1, 2001".

3. On page 4, line 3, after "act" insert "or who retires on or after July 1, 2001".

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

Messrs. Landis and Lynch asked unanimous consent to be excused. 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 Beutler amendment lost with 2 ayes, 26 nays, 11 present and not voting, and 10 excused and not voting.

Messrs. Cudaback, Schrock, D. Pederson, and Dierks asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 306.** Placed on Select File as amended.
E & R amendment to LB 306:

AM7195

1. In the Revenue Committee amendments, AM2828:

a. On page 10, line 1, strike beginning with "On" through "the", show as stricken, and insert "The";

b. On page 13, line 11, after "district" insert an underscored comma;

c. On page 14, line 1, strike "sections 13 and 15" and insert "section 14";

d. On page 19, line 24, after "than" insert "passenger";

e. On page 23, line 6, strike "department" and insert "Department of Motor Vehicles";

f. On page 25, line 20, strike "all" and insert "for";

g. On page 28, line 18, after "a" insert "motor vehicle";

h. On page 29, line 20, strike beginning with "Beginning" through "the", show as stricken, and insert "The";

i. On page 31, line 9; and page 32, line 14, after "the" insert "same";

j. On page 32, line 8, strike "77-801.01" and insert "77-802.01";

k. On page 42, line 18, strike "he and his", show as stricken, and insert "the county treasurer and his or her";

l. On page 44, line 25, after "nurse" insert ", home health nurse,";

m. On page 51, line 3, strike "32-632" and insert "32-631"; in line 15 after "resolution" insert "or petition"; in line 22 strike "and" and insert "or"; in line 24 strike "limitations" and insert "limits"; and in line 26 strike "approved" and insert "stated";

n. On page 52, line 20, before "allocation" insert "final levy";

o. On page 53, line 26, after "or" insert "such excess levy authority will be";

p. On page 55, line 16, strike the third "of", show as stricken, and insert "on"; and

q. On page 59, line 2, strike "38" and insert "4, 38,"; in line 7 after "section" insert "32-559, Revised Statutes Supplement, 1996, and section"; in line 8 strike "is" and insert "are"; in line 15 after "repealed" insert a period; in line 16 strike "to" and insert ", 77-1717,"; and strike beginning with "section" in line 18 through the first comma in line 19.

2. On page 1, strike beginning with "public" in line 1 through line 5 and insert "revenue and taxation; to amend sections 3-504, 13-508, 13-509, 77-1716, 77-1717, 77-1718, 77-1719.01, 77-1719.02, and 77-1742, Reissue Revised Statutes of Nebraska, section 32-559, Revised Statutes Supplement, 1996, and sections 51-201, 51-501, 60-305.15, 60-3001, 60-3004 to 60-3008, 70-651.05, 71-1637, 77-621, 77-623, 77-802, 77-802.01, 77-1504.01, 77-1601 to 77-1601.02, 77-1609, 77-1610, 77-1613, 77-1613.01, 77-1616,

77-3442, 77-3443, 77-3444, 77-5007, 77-5030, 79-1018, and 80-202, Revised Statutes Supplement, 1997; to change limitations, dates, and procedures for determining and certifying tax levies; to change delinquency and due dates for property taxes; to provide for the taxation of assembled motor vehicles; to change motor vehicle tax and fee provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.".

**LEGISLATIVE BILL 939.** Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 936.** Indefinitely postponed.
**LEGISLATIVE BILL 1011.** Indefinitely postponed.
**LEGISLATIVE BILL 1012.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

### Revenue

**LEGISLATIVE BILL 935.** Placed on General File as amended.
Standing Committee amendment to LB 935:
AM2930

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-1601, Revised Statutes Supplement, 1997, is amended to read:

77-1601. (1) The county board of equalization shall each year, on or before ~~November 1~~ October 15, levy the necessary taxes for the current year if within the limit of the law. The levy shall include an amount for operation of all functions of county government and shall also include all ~~such~~ levies necessary to fund tax requests ~~levies~~ as certified under ~~sections 77-1601.01 and~~ section 77-1601.02 that are authorized as provided in sections 77-3442 to 77-3444.

(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 by any entity otherwise authorized to certify a tax ~~levy~~ request under ~~sections 77-1601.01 and~~ section 77-1601.02. 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 shall issue a corrected levy if it determines that an error was made in the original levy which warrants correction. 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.

Sec. 2. Section 77-1601.02, Revised Statutes Supplement, 1997, is amended to read:

77-1601.02. (1) ~~Through 1997, the preliminary levy certified in section 77-1601.01 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. Beginning in 1998, the preliminary levy certified in section 77-1601.01 shall be the final~~ The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the county board of equalization in section 77-1601 unless the governing body of the county, municipality, school district, sanitary and improvement district, natural resources district, educational service unit, or community college passes by a majority vote a resolution or ordinance setting the ~~levy~~ tax request at a different amount. School systems with multiple school districts shall hold a hearing to approve or modify the ~~preliminary~~ systemwide ~~levies~~ tax requests on or before October ~~20~~ 5. ~~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 levy 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. The hearing notice shall contain the following information: The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request; the property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and the proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request. Any resolution setting a tax ~~levy~~ request under this section shall be certified and forwarded to the county clerk prior to October 14 of the year for which the tax request is to apply.

(2) Any ~~tax~~ levy which is not in compliance with ~~section~~

~~77-1601.01 or this section~~ this section and section 77-1601 shall be construed as an unauthorized levy under section 77-1606.

Sec. 3. Section 77-3445, Reissue Revised Statutes of Nebraska, is amended to read:

77-3445. A council on public improvements and services may be created within each county or for adjoining counties by resolutions of county boards 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 77-3442 to 77-3444. 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 from the governing board 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 77-3442 to 77-3444. 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 77-3442 to 77-3444. ~~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. 4. Original section 77-3445, Reissue Revised Statutes of Nebraska, and sections 77-1601 and 77-1601.02, Revised Statutes Supplement, 1997, are repealed.

Sec. 5. The following section is outright repealed: Section 77-1601.01, Revised Statutes Supplement, 1997.".

**LEGISLATIVE BILL 1054.** Placed on General File as amended.
Standing Committee amendment to LB 1054:
AM2929

1. Strike original section 1 and insert the following new section:

"Section 1. Section 77-3442, Revised Statutes Supplement, 1997, is amended to read:

77-3442. (1) Property tax levies for the support of local governments for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this section except as provided in section 77-3444.

(2)(a) Except as provided in subdivision (2)(b) of this section, school districts and multiple-district school systems may levy a maximum levy of (i) one dollar and ten cents per one hundred dollars of taxable valuation of property subject to the levy until fiscal year 2001-02 and (ii) one dollar per one hundred dollars of taxable valuation of property subject to the levy for fiscal year 2001-02 and all subsequent fiscal years. 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 April 1, 1996, for construction, expansion, or alteration of school district buildings. For purposes of this subsection, commenced means any action taken by the school board on the record which commits the board to expend district funds in planning, constructing, or carrying out the project.

(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 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) Community colleges may levy a maximum levy on each one hundred dollars of taxable property subject to the levy of (a) eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and (b) seven cents for fiscal year 2000-01 and each fiscal year thereafter.

(4) Natural resources districts may levy a maximum levy of four and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(5) Educational service units may levy a maximum levy of one and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(6) Incorporated cities and villages may levy a maximum levy of forty-five cents per one hundred dollars of taxable valuation of property subject to the levy plus 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.

(7) Sanitary and improvement districts which have been in existence for more than five years may levy a maximum levy of forty cents per one hundred dollars of taxable valuation of property subject to the levy, and sanitary and improvement districts which have been in existence for five years or less shall not have a maximum levy.

(8) Counties may levy or authorize a maximum levy of fifty cents per one hundred dollars of taxable valuation of property subject to the levy, except that five cents per one hundred dollars of taxable valuation of property subject to the levy may only be levied to provide financing for the county's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act. The county may allocate up to fifteen cents of its authority to ~~all~~ other political subdivisions subject to allocation of property tax authority under subdivision (1) of section 77-3443 not specifically covered in this section to levy taxes as authorized by law which do not collectively exceed fifteen cents per one hundred dollars of taxable valuation on any parcel or item of taxable property. The county may allocate to one or more other political subdivisions subject to allocation of property tax authority by the county under subsection (1) of section 77-3443 some or all of the county's five cents per one hundred dollars of valuation authorized for support of an interlocal agreement to be levied by the political subdivision for the purpose of supporting that political subdivision's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act. If an allocation by a county would cause another county to exceed its levy authority under this section, the second county may exceed the levy authority in order to levy the amount allocated.

(9) Property tax levies 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, for preexisting lease-purchase contracts approved prior to July 1, 1998, and 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.

(10) The limitations on tax levies provided in this section are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this section are those provided by or authorized by sections 77-3442 to 77-3444.

(11) Tax levies in excess of the limitations in this section shall be considered unauthorized levies under section 77-1606 unless approved under section 77-3444.".

2. On page 3, line 13, after "board" insert "in which

18 the greatest portion of the valuation is located"; and in line 17
19 after "property" insert "for all governments allocated by the
20 municipality or county".
21 3. On page 5, line 12, strike "77-1601.01" and insert
22 "77-3442".

**LEGISLATIVE BILL 1104.** Placed on General File as amended.
Standing Committee amendment to LB 1104:
AM2931
1 1. On page 2, line 15, strike "limits" and insert
2 "corporate boundaries".

**LEGISLATIVE BILL 971.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

## ANNOUNCEMENTS

The Banking, Commerce and Insurance Committee designates LB 1035 as its priority bill.

Mr. Wesely designates LB 1070 as his priority bill.

Mr. D. Pederson designates LB 1229 as his priority bill.

Mrs. Robak designates LB 1112 as her priority bill.

## NOTICE OF COMMITTEE HEARINGS
### Revenue

| | | |
|---|---|---|
| LB 955 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1190 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1298 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1252 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1195 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1142 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 942 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 954 | Friday, February 13, 1998 | 1:30 p.m. |
| LR 304CA | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1148 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1186 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 934 | Wednesday, February 18, 1998 | 3:00 p.m. |
| LB 1025 | Wednesday, February 18, 1998 | 3:00 p.m. |
| LB 1198 | Wednesday, February 18, 1998 | 3:00 p.m. |

| | | |
|---|---|---|
| LB 992 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1114 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1290 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 911 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1026 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1092 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1291 | Friday, February 20, 1998 | 1:30 p.m. |
| LB 1227 | Friday, February 20, 1998 | 1:30 p.m. |
| LB 1177 | Friday, February 20, 1998 | 1:30 p.m. |
| LB 1286 | Friday, February 20, 1998 | 1:30 p.m. |
| LB 1361 | Friday, February 20, 1998 | 1:30 p.m. |
| LB 1215 | Wednesday, February 25, 1998 | 3:00 p.m. |
| LB 1296 | Wednesday, February 25, 1998 | 3:00 p.m. |
| LB 980 | Thursday, February 26, 1998 | 3:00 p.m. |
| LB 1239 | Thursday, February 26, 1998 | 3:00 p.m. |
| LB 1292 | Thursday, February 26, 1998 | 3:00 p.m. |
| LR 315CA | Friday, February 27, 1998 | 3:00 p.m. |
| LR 317CA | Friday, February 27, 1998 | 3:00 p.m. |
| LB 1329 | Friday, February 27, 1998 | 3:00 p.m. |

(Signed) William R. Wickersham, Chairperson

**Banking, Commerce and Insurance**

| | | |
|---|---|---|
| LB 978 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 979 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1230 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1315 | Monday, February 9, 1998 | 1:30 p.m. |
| LB 1162 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1201 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1245 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1282 | Tuesday, February 10, 1998 | 1:30 p.m. |

(Signed) David M. Landis, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Chambers filed the following amendment to LB 695:
FA476
Amend AM2905
P. 1, Strike lines 3-14

Mr. Chambers filed the following amendment to LB 695:
FA477

Amend AM2905
P. 1, Strike lines 7, 8.

**MOTION - Print in Journal**

Mr. Jensen filed the following motion to LB 777:
Suspend the pertinent provisions, to include Rule 6, section 3 and Rule 7, sections 3 and 7 of the rules, and vote on the advancement of LB 777 to E & R initial without further amendment, motion or debate.

**AMENDMENT - Print in Journal**

Mrs. Hudkins, Messrs. Hartnett, and Wickersham filed the following amendment to LB 160:
AM2822

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 13-506, Reissue Revised Statutes of Nebraska, is amended to read:

13-506. Each governing body, after the filing of the proposed budget statement with its secretary or clerk, shall each year conduct a public hearing on such proposed budget statement and the itemized estimate for reimbursement of property taxes pursuant to subsection (2) of section 13-504. Notice of place and time of such hearing, together with a summary of the proposed budget statement and the itemized estimate for reimbursement of property taxes pursuant to subsection (2) of section 13-504, shall be published at least five days prior to the date set for hearing, in a newspaper of general circulation within the governing body's jurisdiction or by direct mailing of the notice to each resident within the community. When the total operating budget, including the amount necessary for reimbursement of property taxes, not including reserves, does not exceed ten thousand dollars per year, the proposed budget summary may be posted at the governing body's principal headquarters.

After such hearing, the proposed budget statement, including the amount necessary for reimbursement of property taxes, shall be adopted, or amended and adopted as amended, and a written record shall be kept of such hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement, including the amount necessary for reimbursement of property taxes, is adopted, or is amended and adopted as amended. If ~~, and if~~ the levying board represents more than one county, a member or a representative of the governing board shall, upon the written request of any represented county, appear and present its budget at the hearing of ~~each~~ the requesting county ~~in which is located~~ if a major area of the county is affected by its budget. The certification of the amount to be received from personal and real property taxation

shall specify separately (1) the amount to be applied to the payment of principal or interest on bonds issued by the governing body and (2) the amount to be received for all other purposes. If the adopted budget statement, including the amount necessary for reimbursement of property taxes, reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within twenty days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for such changes.

Sec. 2. Original section 13-506, Reissue Revised Statutes of Nebraska, is repealed.".

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 303. No objections. So ordered.

Mr. Raikes asked unanimous consent to have his name added as cointroducer to LR 322. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 234. No objections. So ordered.

Mr. Willhoft asked unanimous consent to have his name added as cointroducer to LB 1290. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Bevin Brown from Thedford; Platte Valley State Bank-Gold Key Club of Kearney from Kearney, Axtell, Minden, and Holdrege; and the Dapper Dozen and friends from Red Cloud.

## ADJOURNMENT

At 12:11 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, February 3, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# EIGHTEENTH DAY – FEBRUARY 3, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 3, 1998

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

## ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Dierks, Elmer, Landis, Lynch, Matzke, Schellpeper, Tyson, Wickersham, Will, Mmes. Bohlke, Hillman, Kiel, Robak, Witek, and Ms. Schimek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

## MESSAGE FROM THE GOVERNOR

February 2, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Accountability and Disclosure Commission:

APPOINTEE: Neil B. Danberg, Jr., 10306 Regency Parkway Drive, Omaha, NE 68114-3746

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## SELECT FILE

**LEGISLATIVE BILL 892.** Advanced to E & R for engrossment.

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

**LEGISLATIVE BILL 893.** Considered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 894.** Advanced to E & R for engrossment.
**LEGISLATIVE BILL 895.** Advanced to E & R for engrossment.

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 896.** Considered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 897.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 898.** Considered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 899.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 900.** Considered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 901.** E & R amendment, AM7182, found on page 393, was adopted.

Advanced to E & R for engrossment.

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

**LEGISLATIVE BILL 902.** Considered.

Advanced to E & R for engrossment.

**PRESIDENT ROBAK PRESIDING**

**LEGISLATIVE BILL 903.** E & R amendment, AM7183, found on page 394, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 904.** E & R amendment, AM7181, found on page 394, was adopted.

Advanced to E & R for engrossment.

## STANDING COMMITTEE REPORT
## Government, Military and Veterans Affairs

**LEGISLATIVE BILL 1129.** Placed on General File as amended.
Standing Committee amendment to LB 1129:
AM2895

1. Strike the original sections and insert the following new sections:

"Section 1. Section 81-1108.26, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.26. The heat and power plant of the University of Nebraska, together with tunnels and conduits appurtenant thereto, shall be operated and maintained under the immediate control of the Board of Regents of the University of Nebraska. Such plant shall supply heat, light, and power for use at the University of Nebraska, the State Capitol, including the executive mansion, and the Nebraska State Historical Society. At the sole discretion of the Director of Administrative Services, in consultation with the Board of Regents of the University of Nebraska, alternative sources of heat, power, and light may be utilized, and in such event, adequate notice of any change shall be given to the Board of Regents. Cost of operation and maintenance of the plant and its appurtenances shall in the first instance be borne by the Board of Regents. The cost of operation, repairs, and maintenance shall be apportioned between the University of Nebraska, the State Capitol, including the executive mansion, and the Nebraska State Historical Society, upon the percentage of heat, light, and power received by each. At the end of each month, the Board of Regents of the University of Nebraska shall forward to the administrator a bill for the share of the cost of operation for such month chargeable to the State Capitol, including the executive mansion, and to the superintendent of the Nebraska State Historical Society for the share of the cost of operation for such month chargeable to the Nebraska State Historical Society. The Board of Regents shall forward annually to the administrator a statement for

the share of the cost of repairs and maintenance chargeable to the State Capitol, including the executive mansion, and to the superintendent of the Nebraska State Historical Society for the share of the cost of repairs and maintenance chargeable to the Nebraska State Historical Society. If no objection in writing is made by the administrator or the superintendent of the Nebraska State Historical Society within ten days after the receipt of such statements, they shall constitute valid obligations to be paid in the manner prescribed by law for payment of operating expenses of the State Capitol and by the Nebraska State Historical Society from funds appropriated for that purpose by the Legislature. In case objection shall be made, the Board of Regents of the University of Nebraska and the administrator or the superintendent of the Nebraska State Historical Society, whichever shall object, shall endeavor to arrive at a proper charge and, in case of inability to do so, shall submit the matter to arbitration, one arbitrator to be named by each party and the third to be chosen by those so named. The amount fixed by the arbitrators shall constitute a valid obligation to be paid in the manner indicated above.

Sec. 2. Section 81-1108.43, Revised Statutes Supplement, 1997, is amended to read:

81-1108.43. No state agency or department shall perform for itself any of the services normally performed by a professional engineer or architect in the preparation of plans and specifications for the construction, reconstruction, or alteration of any building or in the administration of the construction documents and final approval of the project when the total project cost is ~~one~~ four hundred thousand dollars or more, and no state agency shall employ its own work force for any such construction, reconstruction, or alteration of capital facilities when the total project cost is fifty thousand dollars or more. The Department of Administrative Services shall adjust the dollar amounts in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department.

This section shall not apply to section 83-134, to the Department of Roads, or to any public power district, public power and irrigation district, irrigation district, or metropolitan utilities district. If, during the program statement review provided for under section 81-1108.41, it is determined that existing or standard plans and specifications are available or required for the project, the division may authorize an exemption from this section. The Director of Administrative Services shall not issue any warrant in payment for any work on a capital construction project unless the state agency or department files a certificate that it has complied with the provisions of this section.

Sec. 3. Section 81-1114, Reissue Revised Statutes of Nebraska, is amended to read:

81-1114. The building division shall have the following powers, duties, and responsibilities:

(1) Shall prepare, for submittal to the Governor and to the office of the Legislative Fiscal Analyst, analyses of the cost of every desired land and building acquisition, new building construction, either underway or proposed, major repair or remodeling of new, newly acquired, or existing buildings, and each and every structural improvement to land, utilities, roads, walks, and parking lots, costing ~~one~~ four hundred thousand dollars or more, but excluding right-of-way projects of the Department of Roads. The Department of Administrative Services shall adjust the dollar amount in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustment shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department;

(2) Shall record the relationship between the proposed capital facilities and the individual or departmental agencies' operating programs with particular attention to needs of immediate or future operations of the department or agency submitting such plan;

(3) Shall make recommendations to the Governor, the committee of the Legislature which shall from time to time have responsibility for preparing recommendations for appropriations, and the individual department or agency concerned, on the probable costs of such acquisition, construction, repair, or remodeling; and

(4) Shall require the submission by each department and agency of the state of copies of all written contracts for acquisition, construction, repair, or remodeling, including federal contracts, before such contracts are executed by the executive officer of the state authorized to execute such contracts, and shall file copies of such contracts in the office of the Legislative Fiscal Analyst.

Sec. 4. Section 81-1114.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1114.01. ~~After May 23, 1981, each~~ Each department and agency of the state prior to submitting a capital construction project request in excess of ~~one~~ four hundred thousand dollars shall cause to be prepared a comprehensive capital facilities plan. Such plan shall include, but not be limited to, a projection of future programmatic needs, analysis of existing facilities and the utilization of such facilities, and identification of projects to meet those projected programmatic needs, including addition to, or renovation or replacement of, existing space, parking, streets, and utilities. The comprehensive capital facilities plan shall be updated or revised when a major capital construction project requested for funding is not in compliance with such plan; or when

revisions in projected programmatic needs would significantly affect the comprehensive capital facilities plan. Such plans and any updates or revisions shall be submitted to the state building division and the Legislative Fiscal Analyst. Such plans and revisions or updates shall be prepared in accordance with rules and regulations adopted and promulgated by the state building division. The Department of Administrative Services shall adjust the dollar amount in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustment shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department.

Sec. 5. Section 81-1118, Revised Statutes Supplement, 1997, is amended to read:

81-1118. The materiel division of the Department of Administrative Services is hereby established and shall be managed by the materiel administrator who, except with respect to real property, shall assume the former role of Purchasing Agent.

There are hereby established the following five bureaus of the materiel division of the Department of Administrative Services which shall have the following duties, powers, and responsibilities:

(1) ~~Central stores~~ Office supplies bureau shall be responsible for general stores, ~~food,~~ scientific, photo, visual aids material, and the book stores. In addition, the ~~central stores~~ office supplies bureau shall keep inventory-control records, requisition material from the purchasing bureau, and dispose of surplus material;

(2) The traffic bureau shall be responsible for the transportation of material, tracking shipments, and making freight claims;

(3) The reproduction services bureau shall be responsible for specifications and for receiving bids and placing orders to the lowest and best commercial bidder for all printing, reproduction, and mailing operations for the state. The reproduction services bureau shall also be responsible for coordinating all existing printing, reproduction, and mailing operations of the state which shall be limited to existing state facilities;

(4) The standards and specifications bureau shall be responsible for establishing guidelines as to the quality of items purchased unless otherwise provided for by law; and

(5) The purchasing bureau shall be responsible for all purchases by all state agencies other than the University of Nebraska. The materiel division shall administer the public notice and bidding procedures and any other areas designated by the Director of Administrative Services to carry out the lease or purchase of personal property. All purchases of and contracts for materials, supplies, or equipment and all leases of personal property shall be made in the following manner except in

emergencies approved by the Governor:

(a) By a competitive formal sealed bidding process through the materiel division in all cases in which the purchases are of estimated value in the amount of ten thousand dollars or more;

(b) By a competitive informal bidding through the materiel division in all cases in which the purchases are of estimated value equal to or exceeding five thousand dollars but less than ten thousand dollars;

(c) By unrestricted open market purchases through the materiel division in all cases in which purchases are of estimated value of less than five thousand dollars;

(d) All requisitions for whatever purpose coming to the purchasing bureau shall be in conformance with the approved budget of the requisitioning department or agency; and

(e) All contracts for purchases and leases shall be bid as a single whole item. In no case shall contracts be divided or fractionated in order to produce several contracts which are of an estimated value below that required for competitive bidding.

Nothing in this section shall be construed to require that works of art must be procured through the materiel division.

Sec. 6. Section 81-1712, Reissue Revised Statutes of Nebraska, is amended to read:

81-1712. (1) Public notice shall be given by each agency, in a uniform and consistent manner, when professional services are required to be contracted for a project whose basic construction cost is estimated by the agency to be more than ~~one~~ four hundred thousand dollars and for professional services when the estimated fee for such professional services exceeds ~~ten~~ forty thousand dollars, except in cases of public emergencies so certified by the agency head. The Department of Administrative Services shall adjust the dollar amounts in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department. The public notice shall include a general description of the project and shall indicate how interested firms can apply for consideration for such contract.

(2) Each agency shall encourage firms engaged in the lawful practice of their profession who desire to provide professional services to the agency to submit annually a statement of qualifications and performance data. The agency may request a firm to update the file statement before the anniversary date to reflect changed conditions of the firm.

(3) Any firm desiring to provide professional services to an agency must first be certified by the agency as qualified pursuant to law and the regulations of the agency. The agency shall make a finding that the firm to be employed is fully

qualified to render the required service. Factors to be considered in making this finding shall include capabilities to perform, adequacy of personnel, past record and performance, and experience.

(4) The Department of Administrative Services shall, with the advice of each agency, adopt administrative procedures for the evaluation of professional services, including capabilities to perform, adequacy of personnel, past record and performance, experience, and such other factors as may be determined by the agency to be applicable to its particular requirements.

(5) The public shall not be excluded from the meetings or proceedings under this section in accordance with Chapter 84, article 14.

Sec. 7. Section 81-1713, Reissue Revised Statutes of Nebraska, is amended to read:

81-1713. (1) For each proposed project, the agency or a committee designated by the agency shall evaluate current statements of qualifications and performance data of firms as are on file with the agency, together with those that may be submitted by firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by no less than three firms, regarding their qualifications, approach to the project, and ability to furnish the required service.

(2) Any committee designated by the agency shall have among its membership at least one person whose profession represents that particular field of endeavor being considered.

(3) The agency or committee designated by the agency shall select, in order of preference, no less than three firms deemed to be most highly qualified to perform the required services after considering such factors as the ability of professional personnel, past performance, willingness to meet time and budget requirements, location, recent, current and projected workloads of the firms, and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, as long as such distribution does not violate the principle of selection of the most highly qualified firms.

(4) This section shall not apply to professional service contracts for (a) a project whose basic construction cost is estimated by the agency to be ~~one~~ four hundred thousand dollars or less; or (b) a planning or study activity when the estimated fee for professional services is ~~ten~~ forty thousand dollars or less. The Department of Administrative Services shall adjust the dollar amounts in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department.

Sec. 8. Original sections 81-1108.26, 81-1114, 81-1114.01, 81-1712, and 81-1713, Reissue Revised Statutes of

Nebraska, and sections 81-1108.43 and 81-1118, Revised Statutes Supplement, 1997, are repealed.".

(Signed) C. N. "Bud" Robinson, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Urban Affairs

| | | |
|---|---|---|
| LB 1340 | Tuesday, February 10, 1998 (Cancel) | 1:30 p.m. |
| LB 1340 | Tuesday, February 24, 1998 (Reschedule) | 1:30 p.m. |

(Signed) D. Paul Hartnett, Chairperson

### Education

| | | |
|---|---|---|
| LB 1197 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1210 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1211 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1217 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1276 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1314 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1342 | Tuesday, February 10, 1998 | 1:30 p.m. |
| LB 1359 | Tuesday, February 10, 1998 | 1:30 p.m. |

(Signed) Ardyce L. Bohlke, Chairperson

## ANNOUNCEMENT

The Revenue Committee designates LB 1333 as its priority bill.

## MESSAGE FROM THE GOVERNOR

February 2, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Game and Parks Commission.

APPOINTEE: John P. Miller, R. R. 3, Box 69, Blair, NE 68008

The aforementioned name is respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

EBN:tw

**UNANIMOUS CONSENT - Members Excused**

Messrs. Bruning and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 822.** Considered.

Advanced to E & R for review with 36 ayes, 4 nays, 4 present and not voting, and 5 excused and not voting.

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

**AMENDMENT - Print in Journal**

The Revenue Committee filed the following amendment to LB 306:
(Amendment, AM2968, 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**
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 1178.** Placed on General File.
**LEGISLATIVE BILL 1236.** Placed on General File.

**LEGISLATIVE BILL 1087.** Placed on General File as amended.
Standing Committee amendment to LB 1087:
AM2966

1. Strike original section 1.
2. On page 9, line 2, strike "44-19,109," and the fourth comma.
3. Renumber the remaining sections accordingly.

(Signed) David M. Landis, Chairperson

**UNANIMOUS CONSENT - Member Excused**

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

**GENERAL FILE**

**LEGISLATIVE BILL 695.** Mr. D. Pederson renewed the D. Pederson-

Cudaback pending amendment, AM2905, found on page 456.

Mr. Chambers renewed his pending amendment, FA464, found on page 460, to the D. Pederson-Cudaback pending amendment.

Mr. Chambers asked unanimous consent to replace his pending amendment, FA464, found on page 460, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, FA464, found on page 460.

Mr. Chambers offered the following substitute amendment to the D. Pederson-Cudaback pending amendment:
FA478
Amend AM2905
On page 1, strike lines 3 through 14

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

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Lynch and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. D. Pederson asked unanimous consent to replace his pending amendment, FA465, found on page 465, with a substitute amendment. No objections. So ordered.

Mr. D. Pederson withdrew his amendment, FA465, found on page 465.

Mr. D. Pederson offered the following substitute amendment to the D. Pederson-Cudaback pending amendment:
AM2987

(Amendments to AM2905)

1. On page 1, line 21; and on page 2, line 13, after "facility" insert "or placed on probation for such offense".

2. On page 2, strike beginning with "convicted" in line 6 through "facility" in line 7 and insert "a state prisoner".

The D. Pederson amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Chambers withdrew his amendments, FA476 and FA477, found on page 506.

The D. Pederson-Cudaback pending amendment, AM2905, as amended, 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 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 777.** Title read. Considered.

Mrs. Robak, Messrs. Robinson, Schellpeper, Kristensen, and Schmitt asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers renewed his pending amendment, FA467, found on page 492.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Pending.

## STANDING COMMITTEE REPORTS

### Business and Labor

**LEGISLATIVE BILL 653.** Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

### General Affairs

**LEGISLATIVE BILL 1002.** Placed on General File.
**LEGISLATIVE BILL 1013.** Placed on General File.

**LEGISLATIVE BILL 1044.** Placed on General File as amended.
Standing Committee amendment to LB 1044:
AM2976

1. Strike original sections 1 and 4.
2. On page 5, line 25, strike "9-801, 9-803," and insert "9-803".
3. Renumber the remaining sections accordingly.

(Signed) Stan Schellpeper, Chairperson

### Appropriations

**LEGISLATIVE BILL 988.** Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

### Business and Labor

**LEGISLATIVE BILL 765.** Placed on General File.

**LEGISLATIVE BILL 923.** Placed on General File as amended.
Standing Committee amendment to LB 923:
AM2981

1. Strike section 2 and insert the following new sections:

"Sec. 2. Section 48-722, Revised Statutes Supplement, 1997, is amended to read:

48-722. ~~The~~ (1) Except as provided in subsection (2) of this section, the state boiler inspector shall inspect or cause to be inspected at least once every twelve months all boilers required to be inspected by the Boiler Inspection Act to determine whether the boilers are in a safe and satisfactory condition and properly constructed and maintained for the purpose for which the boiler is used, except that (a) hobby boilers, steam farm traction engines, portable and stationary show engines, and portable and stationary show boilers, which are not otherwise exempted from the act pursuant to section 48-726, shall be subject to inspection at least once every twenty-four months and (b) the commissioner may, by rule and regulation, establish inspection periods for pressure vessels of more than twelve months, but not to exceed the inspection period recommended in the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers or the American Petroleum Institute Pressure Vessel Inspection Code API-510 for pressure vessels being used for similar purposes. No boilers required to be inspected by the act shall be operated without valid and current certification pursuant to rules and regulations adopted and promulgated by the commissioner in accordance with the requirements of the Administrative Procedure Act. The owner of any boiler installed after September 2, 1973, shall file a manufacturer's data report covering the construction of such boiler with the state boiler inspector. Such reports shall be used to assist the state boiler inspector in the certification of boilers. No boiler required to be inspected by the Boiler Inspection Act shall be operated at any type of public gathering or show without first being inspected and certified as to its safety by the state boiler inspector. Antique engines with boilers may be brought into the state from other states without inspection, but inspection as provided in this section shall be made and the boiler certified as safe before being operated.

(2) The commissioner may, by rule and regulation, waive the inspection of unfired pressure vessels registered with the State of Nebraska if the commissioner finds that the owner or user of the unfired pressure vessel follows a safety inspection and repair program that is based upon nationally recognized standards.

Sec. 3. Section 48-724, Revised Statutes Supplement, 1996, is amended to read:

48-724. (1) Upon making an inspection of any boilers required to be inspected by the Boiler Inspection Act and upon receipt of the inspection fee and certificate fee or registration

fee, the boiler inspector shall give to the owner or user of the boilers a certificate of inspection or certificate of registration upon forms prescribed by the commissioner. The certificate shall be posted in a place near the location of such boiler.

(2) The commissioner shall establish the amount of the inspection fee, ~~and~~ certificate fee, and registration fee by rule or regulation at the level necessary to meet the costs of administering the act.".

2. On page 6, line 18, strike "(e)" and insert "(2)"; in line 19 after "if" insert "(a) an"; in line 20 strike "and", show as stricken, and insert ", (b)"; in line 22 strike "and if", show as stricken, and insert ", and (c)"; and strike beginning with "have" in line 23 through line 27, show as stricken, and insert "either hold a commission from the National Board of Boiler and Pressure Vessel Inspectors commensurate with the type of inspections performed by the inspector for the city or acquire the commission within twelve months after appointment.".

3. On page 7, line 6, strike "(2)" and insert "(3)"; in line 11 strike "(3)" and insert "(4)"; in line 15 strike "(4)" and insert "(5)"; and in line 18 strike "(5)" and insert "(6)".

4. On page 8, line 3, strike "48-730" and insert "48-724, 48-730,".

5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1255.** Placed on General File as amended.
Standing Committee amendment to LB 1255:
AM2942

1. Insert the following new section:

"Section 1. Section 48-109, Reissue Revised Statutes of Nebraska, is amended to read:

48-109. If both employer and employee become subject to the Nebraska Workers' Compensation Act, both shall be bound by the schedule of compensation provided in such act, which compensation shall be paid in every case of injury or death caused by accident or occupational disease arising out of and in the course of employment or caused by accident occurring on premises owned or maintained by the employer, except accidents caused by or resulting in any degree from the employee's willful negligence as defined in section 48-151.".

2. On page 4, line 16, strike "section" and insert "sections 48-109 and"; and in line 17 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

(Signed) Chris Abboud, Chairperson

**Executive Board**

**LEGISLATIVE RESOLUTION 311CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 320CA.** Indefinitely postponed.

(Signed) George Coordsen, Chairperson

## UNANIMOUS CONSENT - Member Excused

Mr. Jones asked unanimous consent to be excused. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Troy Swier, Mary Goodwin, and Debbie Graff from Fremont; Bruce Parish, Ann Petersen, and Patricia Cruzeiro from Chadron and Lana Sides from Scottsbluff-Gering; Senator Stuhr's son, Boyd, and 29 members of Nebraska LEAD Program from across Nebraska; 21 fourth, fifth, and sixth grade students and teacher from Everett Elementary School, Lincoln; members from Local 61 NAPE/AFSCME; Adam Naber from Kearney; and Senator Stuhr's sister, Carolyn Weiss, from Fremont.

The Doctor of the Day was Andy Luther from Lincoln.

## MOTION - Adjournment

Mr. Jensen moved to adjourn until 9:00 a.m., Wednesday, February 4, 1998.

Mr. Chambers moved for a call of the house. The motion failed with 3 ayes, 8 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Brown | Hartnett | Jensen | Tyson | Wickersham |
| Bruning | Hilgert | Preister | Vrtiska | Willhoft |
| Dierks | Hillman | Suttle | Wehrbein | Witek |
| Engel | Hudkins | Thompson | Wesely | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Chambers | Landis | Schimek |

Present and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Bohlke | Coordsen | Lynch | Pederson, D. | Schrock |
| Brashear | Cudaback | Matzke | Peterson, C. | Stuhr |
| Bromm | Kiel | Pedersen, Dw. | Raikes | |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Janssen | Kristensen | Robak |
| Beutler | Elmer | Jones | Maurstad | Robinson |

Schellpeper Schmitt Will

The Jensen motion to adjourn prevailed with 19 ayes, 3 nays, 14 present and not voting, and 13 excused and not voting, and at 12:04 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, February 4, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

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# NINETEENTH DAY – FEBRUARY 4, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 4, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen 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 Mrs. Robak who was excused; and Messrs. Beutler, Bromm, Dierks, Schmitt, Tyson, Will, Mmes. Brown, Crosby, Kiel, Witek, and Ms. Schimek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

**MR. WICKERSHAM PRESIDING**

## STANDING COMMITTEE REPORT
**Revenue**

**LEGISLATIVE BILL 993.** Placed on General File as amended.
Standing Committee amendment to LB 993:
AM2990

1. Strike section 1 and insert the following new section:

"Sec. 2. Section 8-1402, Reissue Revised Statutes of Nebraska, is amended to read:

8-1402. If any person, corporation, or association covered by section 8-1401 is required by court order, by ~~or~~ lawful subpoena, summons, or warrant, or by written demand pursuant to subsection (2) of section 77-375 or, after receiving the written

permission of the person, corporation, or association about whom information is being sought, voluntarily consents to provide information in its possession, it shall be paid by the requesting person, party, agency, or organization for the service. The requesting person, party, agency, or organization shall pay five dollars per hour per person for the time actually spent on the service or, if such person, corporation, or association can show that its actual expense in providing the information was greater than five dollars per hour per person, it shall be paid the actual cost of providing the information. No person, corporation, or association has an obligation to provide any information pursuant to section 8-1401, other than pursuant to a court order, a lawful subpoena, summons, or warrant, or a written demand pursuant to subsection (2) of section 77-375, until assurances are received that the costs due under this section will be paid.".

2. On page 5, strike beginning with "The" in line 3 through "records" in line 5 and insert "Any person disclosing information to the Tax Commissioner pursuant to a demand for production of records under this subsection is immune from liability, civil, criminal, or otherwise, that might result from disclosing such information. The Tax Commissioner shall pay the costs of providing such information pursuant to section 8-1402".

3. On page 6, lines 25 through 28, reinstate the stricken matter and strike the new matter; and in line 28 after the comma insert "or exempt from such taxes under section 521 of the Internal Revenue Code of 1986, as amended,".

4. On page 7, lines 1 and 3, strike the new matter; in line 3 strike "of", show as stricken, and insert "or exempt from"; and in line 26 after the first comma insert "8-1402,".

5. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

## ANNOUNCEMENT

Mr. Kristensen designates LB 404 as his priority bill.

## UNANIMOUS CONSENT - Member Excused

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

## MOTION - Approve Appointments

Mr. Robinson moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 496: Karen Kilgarin - Director, Department of Administrative Services; Burnell Steinmeyer, Dawn E. Rockey, Robert J. Sivick - Accountability and Disclosure Commission.

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Janssen | Pedersen, Dw. | Suttle |
| Bohlke | Dierks | Jensen | Peterson, C. | Thompson |
| Brashear | Elmer | Jones | Raikes | Vrtiska |
| Bromm | Hartnett | Kristensen | Robinson | Wesely |
| Bruning | Hilgert | Landis | Schellpeper | Wickersham |
| Chambers | Hillman | Lynch | Schrock | Willhoft |
| Coordsen | Hudkins | Matzke | Stuhr | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Maurstad | Pederson, D. | Preister |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Brown | Kiel | Schimek | Tyson | Will |
| Crosby | Robak | Schmitt | Wehrbein | Witek |

The appointments were confirmed with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 322.** Read. Considered.

**PRESIDENT ROBAK PRESIDING**

Mr. Chambers offered the following amendment:
FA480
Add the following language:
AND BE IT FURTHER RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
That in recognition of the fact that Senator Ernie Chambers has been enshrined by the Members of the Legislature in the Permanent Rules of the Nebraska Unicameral Legislature and, more than any other Member, past or present, has profoundly affected the operation, processes and procedures of the Legislature:
3. That the West Chamber known as the George W. Norris Memorial Chambers be renamed the ERNIE CHAMBERS.
4. That a plaque inscribed with this commemorative designation be prepared and placed in an appropriate location near the entrance to such chamber.

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

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 29:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Janssen | Peterson, C. | Thompson |
| Bohlke | Engel | Kristensen | Raikes | Wehrbein |
| Brashear | Hartnett | Landis | Robinson | Wickersham |
| Bromm | Hilgert | Maurstad | Schrock | Willhoft |
| Bruning | Hillman | Pedersen, Dw. | Stuhr | Witek |
| Coordsen | Hudkins | Pederson, D. | Suttle | |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Cudaback | Jones | Matzke | Schellpeper | Vrtiska |
| Dierks | Lynch | Preister | Schmitt | Wesely |
| Jensen | | | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Robak | Tyson | Will |
| Brown | Kiel | Schimek | | |

The Chambers amendment lost with 1 aye, 29 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Chambers requested a record vote on the adoption of the resolution.

Voting in the affirmative, 37:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Kristensen | Peterson, C. | Suttle |
| Bohlke | Hartnett | Landis | Preister | Thompson |
| Brashear | Hilgert | Lynch | Raikes | Vrtiska |
| Bromm | Hillman | Matzke | Robinson | Wehrbein |
| Bruning | Hudkins | Maurstad | Schellpeper | Wesely |
| Coordsen | Janssen | Pedersen, Dw. | Schrock | Wickersham |
| Dierks | Jensen | Pederson, D. | Stuhr | Willhoft |
| Elmer | Jones | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 3:

| | | |
|---|---|---|
| Cudaback | Schmitt | Witek |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Robak | Tyson | Will |
| Brown | Kiel | Schimek | | |

LR 322 was adopted with 37 ayes, 1 nay, 3 present and not voting, and 8 excused and not voting.

## NOTICE OF COMMITTEE HEARINGS
## Government, Military and Veterans Affairs

| | | |
|---|---|---|
| LB 1120 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LR 306CA | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1254 | Wednesday, February 11, 1998 | 1:30 p.m. |

(Signed) C. N. "Bud" Robinson, Chairperson

### Health and Human Services

| | | |
|---|---|---|
| LB 1337 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1091 | Friday, February 13, 1998 | 1:30 p.m. |

(Signed) Don Wesely, Chairperson

### Education

| | | |
|---|---|---|
| LB 1314 | Tuesday, February 10, 1998 (cancel) | 1:30 p.m. |

(Signed) Ardyce L. Bohlke, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Danberg, Neil B. Jr. - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs

Miller, John P. - Nebraska Game and Parks Commission - Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## ANNOUNCEMENT

The General Affairs Committee designates LB 999 as its priority bill.

## STANDING COMMITTEE REPORTS
### Health and Human Services

**LEGISLATIVE BILL 1040.** Placed on General File as amended.
Standing Committee amendment to LB 1040:
AM2954

1. On page 15, line 18, after "operated" insert "directly".

2. On page 16, strike beginning with "or" in line 22 through "committed" in line 23, show as stricken, and insert "by the state unless otherwise ordered by the court pursuant to section 43-290".

**LEGISLATIVE BILL 1073.** Placed on General File as amended.
(Standing Committee amendment, AM2955, 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

## GENERAL FILE

**LEGISLATIVE BILL 777.** The Chambers pending amendment, FA467, found on page 492 and considered on page 520, was renewed.

Messrs. Kristensen, Robinson, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Chambers renewed his pending amendment, FA468, found on page 492.

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

The Chambers amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Chambers renewed his pending amendment, FA469, found on page 492.

The Chambers amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Chambers renewed his pending amendment, FA470, found on page 492.

Messrs. Wehrbein, Janssen, Kristensen, Mmes. C. Peterson, and Bohlke 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 7 ayes, 0 nays, and 42 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 29:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Jones | Schellpeper | Tyson |
| Brashear | Elmer | Matzke | Schmitt | Vrtiska |
| Bromm | Engel | Maurstad | Schrock | Wehrbein |
| Brown | Hillman | Pedersen, Dw. | Stuhr | Willhoft |
| Bruning | Hudkins | Pederson, D. | Suttle | Witek |
| Coordsen | Jensen | Raikes | Thompson | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Hartnett | Lynch | Schimek | Wesely | Wickersham |
| Hilgert | Preister | | | |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kristensen | Peterson, C. | Robinson |
| Bohlke | Janssen | Landis | Robak | Will |
| Crosby | Kiel | | | |

The Chambers amendment lost with 1 aye, 29 nays, 7 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

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

Mr. Chambers offered the following amendment:
FA479
P. 2, line 18, strike "among" and insert, "between"

The Chambers amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Messrs. Lynch, Wehrbein, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jensen renewed his pending motion, found on page 507, to suspend the

pertinent provisions, to include Rule 6, section 3 and Rule 7, sections 3 and 7 of the rules, and vote on the advancement of LB 777 to E & R initial without further amendment, motion or debate.

Mr. Dierks and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jensen withdrew his motion to suspend the rules.

Mr. Chambers offered the following amendment:
FA481
Page 2, line 7 after "shown.", and page 3, line 4 after "act." insert, "Failure or refusal by any party to participate in such a program shall in no case be punished by incarceration"

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

**MR. WICKERSHAM PRESIDING**

Messrs. Schmitt, Dw. Pedersen, Jones, Bromm, Preister, Coordsen, Bruning, and Elmer 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, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | Kiel | Raikes | Wesely | Will |
| Hilgert | Kristensen | Schimek | Wickersham | Willhoft |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Brown | Landis | Pederson, D. | Stuhr | Wehrbein |
| Engel | Matzke | Peterson, C. | Thompson | Witek |
| Jensen | Maurstad | Schrock | Tyson | |

Present and not voting, 7:

| | | | |
|---|---|---|---|
| Beutler | Hartnett | Janssen | Vrtiska |
| Brashear | Hudkins | Suttle | |

Excused and not voting, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Bromm | Coordsen | Cudaback | Elmer |
| Bohlke | Bruning | Crosby | Dierks | Hillman |

| | | | | |
|---|---|---|---|---|
| Jones | Pedersen, Dw. | Robak | Schellpeper | Schmitt |
| Lynch | Preister | Robinson | | |

The Chambers amendment lost with 10 ayes, 14 nays, 7 present and not voting, and 18 excused and not voting.

Pending.

## UNANIMOUS CONSENT - Add Cointroducers

Messrs. Beutler, Brashear, Bromm, Bruning, Dierks, Engel, Hartnett, Hilgert, Janssen, Jensen, Jones, Landis, Lynch, Matzke, Maurstad, Dw. Pedersen, D. Pederson, Preister, Robinson, Schellpeper, Schrock, Vrtiska, Wehrbein, Wickersham, Willhoft, Mmes. Bohlke, Brown, Hillman, Hudkins, C. Peterson, Stuhr, Suttle, and Thompson asked unanimous consent to have their names added as cointroducers to LR 322. No objections. So ordered.

## ANNOUNCEMENT

Mr. Will designates LB 954 as his priority bill.

## NOTICE OF COMMITTEE HEARINGS
## Natural Resources

| | | |
|---|---|---|
| LB 1161 | Wednesday, February 11, 1998 | 1:30 p.m. |
| LB 1278 | Wednesday, February 11, 1998 | 1:30 p.m. |

Wednesday, February 11, 1998 1:30 p.m.
Nebraska Ethanol Board
Michael P. Alberts
Clinton K. Jensen
Ronald Stoddard
Nebraska Environmental Trust Board
Frank P. Giltner
Nebraska Oil and Gas Conservation
Thomas M. Sonntag
Marquis Reed Gilmore

| | | |
|---|---|---|
| LB 1208 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1284 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1322 | Thursday, February 12, 1998 | 1:30 p.m. |

(Signed) Chris Beutler, Chairperson

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LR 322.

(Signed) Pam Brown

**AMENDMENTS - Print in Journal**

Mr. Will filed the following amendment to LB 447:
AM2935

1. Strike original sections 1 to 4 and all amendments thereto and insert the following new sections:

"Section 1. Section 13-303, Reissue Revised Statutes of Nebraska, is amended to read:

13-303. (1) The county boards of counties and the governing bodies of cities and villages may establish an emergency medical service as a governmental service either within or without the county or municipality, as ~~the case may be.~~ provided in this section.

(2) The county board or municipal governing body may contract with any city, ~~person, firm~~ village, rural or suburban fire protection district, person, or corporation licensed as an emergency medical service for emergency medical care by out-of-hospital emergency care providers. Each may enter into an agreement with the other under the Interlocal Cooperation Act for the purpose of establishing an emergency medical service or may provide a separate service for itself. Public funds may be expended therefor, and a reasonable service fee may be charged to the user. Before any such service is established under the authority of this section, the county board or the municipal governing ~~bodies of cities and villages~~ body shall hold a public hearing after giving at least ten days' notice thereof, which notice shall include a brief summary of the general plan for establishing such service, including an estimate of the initial cost and the possible continuing cost of operating such service. If the county board or municipal governing body after such hearing determines that an emergency medical service for emergency medical care by out-of-hospital emergency care providers is needed, it may proceed as authorized in this section. The authority granted in this section shall be cumulative and supplementary to any existing powers heretofore granted. Any county board ~~of counties and the~~ or municipal governing ~~bodies of cities and villages~~ body may pay ~~their~~ its cost for such service out of available general funds or may levy a tax for the purpose of providing the service, which levy shall be in addition to all other taxes and shall be in addition to restrictions on the levy of taxes provided by statute, except that when a fire district provides the service the county shall pay the cost for the county service by levying a tax on that property not in a fire district providing the service. The levy shall be subject to section 77-3443. For purposes of this subsection, (a) corporation means a corporation organized under and operating pursuant to the Nebraska Nonprofit Corporation Act and recognized as tax exempt under section 501 of the Internal Revenue Code and

(b) person means an individual who is hired by the county, city, or village as a direct employee and is subject only to the county's, city's, or village's orders and direction.

(3)(a) The county board or municipal governing body may, by the affirmative vote of three-fourths or more of the members of such board or body, contract with any private for-profit person, firm, or corporation to provide fire service or emergency medical service, or both.

(b) If on the operative date of this act a county board or municipal governing body is party to a contract with a private for-profit person, firm, or corporation to provide fire service or emergency medical service, or both, within or without the county, city, or village, the authority to so contract shall expire upon the expiration of such contract unless the authority to so contract is approved by the affirmative vote of three-fourths or more of the members of such board or body.

(4) If the county board or municipal governing body has the authority to enter into, renew, or renegotiate a contract with a private for-profit person, firm, or corporation to provide fire service or emergency medical service, or both, public funds may be expended therefor and a reasonable service fee may be charged to the user. Before a contract is entered into, renewed, or renegotiated pursuant to subsection (3) of this section, the county board or municipal governing body shall hold a public hearing after giving at least ten days' notice thereof. The notice shall include a brief summary of the general plan for providing such fire service or emergency medical service, or both, including, but not limited to, an estimate of the initial cost and the possible continuing cost of operating such service. If the county board or municipal governing body after such hearing determines that such contract with a private for-profit person, firm, or corporation to provide fire service or emergency medical service, or both, is needed, it may proceed as authorized in this subsection. The authority granted in subsection (3) of this section shall be cumulative and supplementary to any existing powers. The county board or governing body may pay its cost for such service out of available general funds or may levy a tax for the purpose of providing necessary fire service or emergency medical service, or both, which levy shall be in addition to all other taxes and shall be in addition to restrictions on the levy of taxes provided by statute. The levy shall be subject to section 77-3443.

Sec. 2. Section 35-514.02, Revised Statutes Supplement, 1997, is amended to read:

35-514.02. (1) A rural or suburban fire protection district may establish an emergency medical service or provide fire protection service either within or without the district, may enter into agreements under the Interlocal Cooperation Act for the purpose of establishing an emergency medical service or providing fire protection service, may contract with any city, village,

person, ~~firm,~~ corporation, or other fire protection district to provide such services, may expend funds of the district, and may charge a reasonable fee to the user. Before any such services are established under the authority of this section, the rural or suburban fire protection district shall hold a public hearing after giving at least ten days' notice, which notice shall include a brief summary of the general plan for establishing the emergency medical service or providing fire protection service, including an estimate of the initial cost and the possible continuing cost of operating the emergency medical service or fire protection service. If the board after such hearing determines that an emergency medical service or fire protection service is needed, it may proceed as authorized in this section. The authority granted in this section shall be cumulative and supplementary to any existing powers heretofore granted. Any fire protection district providing any service under this section may pay the cost for the service out of available funds or may levy a tax for the purpose of supporting an emergency medical service or providing fire protection service, which levy shall be in addition to any other tax for such fire protection district and shall be subject to section 77-3443. When a fire protection district levies a tax for the purpose of supporting an emergency medical service, the taxpayers of such district shall be exempt from any tax levied under section 13-303. The board of a fire protection district which provides fire protection service outside of the district may charge a political subdivision with which the district has entered into an agreement for such service on a per-call basis for such service. For purposes of this subsection, (a) corporation means a corporation organized under and operating pursuant to the Nebraska Nonprofit Corporation Act and recognized as tax exempt under section 501 of the Internal Revenue Code and (b) person means an individual who is hired by the county, city, or village as a direct employee and is subject only to the county's, city's, or village's orders and direction.

(2)(a) The board of directors of a rural or suburban fire protection district may, by the affirmative vote of three-fourths or more of the members of such board, contract with any private for-profit person, firm, or corporation to provide fire service or emergency medical service, or both, within the district.

(b) If on the operative date of this act the board of a rural or suburban fire protection district is party to a contract with a private for-profit person, firm, or corporation to provide fire service or emergency medical service, or both, within the district, the authority to so contract shall expire upon the expiration of such contract unless the authority to so contract is approved by the affirmative vote of three-fourths or more of the members of the governing board of the district.

(3) If the board has the authority to enter into, renew, or renegotiate a contract with a private for-profit person, firm,

or corporation to provide either fire service or emergency medical service, or both, public funds may be expended therefor and a reasonable service fee may be charged to the user. Before a contract is entered into or renewed pursuant to subsection (2) of this section, the board shall hold a public hearing after giving at least ten days' notice thereof. The notice shall include a brief summary of the general plan for providing such fire service or emergency medical service, or both, including, but not limited to, an estimate of the initial cost and the possible continuing cost of operating such service. If the board after such hearing determines that such contract with a private for-profit person, firm, or corporation to provide fire service or emergency medical service, or both, is needed, it may proceed as authorized in this subsection. The authority granted in subsection (2) of this section shall be cumulative and supplementary to any existing powers. The board may pay its cost for such service out of available general funds or may levy a tax for the purpose of providing necessary fire service or emergency medical service, or both, which levy shall be in addition to all other taxes and shall be in addition to restrictions on the levy of taxes provided by statute. The levy shall be subject to section 77-3443.

Sec. 3. This act becomes operative September 1, 1998.

Sec. 4. Original section 13-303, Reissue Revised Statutes of Nebraska, and section 35-514.02, Revised Statutes Supplement, 1997, are repealed.".

Mrs. Hillman filed the following amendment to LB 548:
(Amendment, AM2904, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers filed the following amendment to LB 777:
FA482

Page 2, line 7 after "shown." and page 3, line 4 after "act.", insert: "Failure or refusal by any party to participate in such a court-ordered program shall not delay the entry of a final judgment or order modifying a final judgment by more than six months."

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 1180.** Placed on General File.

**LEGISLATIVE BILL 1237.** Indefinitely postponed.
**LEGISLATIVE BILL 1251.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 822.** Placed on Select File as amended.
E & R amendment to LB 822:
AM7196

1. On page 1, line 2, strike "77-3442," and the second comma; and strike beginning with "to" in line 4 through the first semicolon in line 6.

## Correctly Engrossed

The following bills were correctly engrossed: LBs 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, and 904.

## Enrollment and Review Change to LB 898

The following changes, required to be reported for publication in the Journal, have been made:
ER9114

1. The following new sections have been inserted:

"Section 1. Section 71-8236, Revised Statutes Supplement, 1997, is amended to read:

71-8236. The State Trauma Advisory Board is created. The board shall be composed of representatives knowledgeable in emergency medical services and trauma care, including emergency medical providers such as physicians, nurses, hospital personnel, prehospital or out-of-hospital providers, local government officials, state officials, consumers, and persons affiliated professionally with health science schools. The Director of Regulation and Licensure shall appoint the members of the board for staggered terms of three years each. The department shall provide administrative support to the board. All members of the board may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as such members as provided in sections 81-1174 to 81-1177. The terms of members representing the same field shall not expire at the same time. ~~A member of the Nebraska Trauma Systems Development Board shall serve as an ex officio member of the State Trauma Advisory Board during the implementation phase of the trauma system development.~~

The board shall elect a vice-chairperson whose term of office shall be for two years. The board shall meet at least twice per year by written request of the director or the chairperson.

Sec. 2. Original section 71-8236, Revised Statutes Supplement, 1997, is repealed.".

2. On page 1, line 1, "to amend section 71-8236, Revised Statutes Supplement, 1997;" has been inserted after the semicolon; and in line 3 "to harmonize provisions; to repeal the original section;" has been inserted after the semicolon.

3. The remaining section has been renumbered.

(Signed) Jon C. Bruning, Chairperson

## ANNOUNCEMENT

Ms. Schimek designates LR 45CA as her priority resolution.

## VISITORS

Visitors to the Chamber were Mert Keefer from Columbus; 9 twelfth grade students from Ashland-Greenwood High School, Ashland; Kevin Davies from Queensland, Australia, and Jo Lowe and Doug Gibbs; and Mark, Eugene, and Mary Ann Tonjes from Hooper.

The Doctor of the Day was William Butz from Lincoln.

## ADJOURNMENT

At 12:13 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, February 5, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TWENTIETH DAY – FEBRUARY 5, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 5, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

## PRAYER

The prayer was offered by Pastor Terry Tomlinson, Saint Paul Methodist Church, South Sioux City, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Crosby, Robak, Messrs. Kristensen, and Robinson who were excused; and Messrs. Abboud, Beutler, Landis, Lynch, Wehrbein, Wesely, Will, Mmes. Hillman, and Kiel who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

## STANDING COMMITTEE REPORTS
### Transportation

**LEGISLATIVE BILL 1151.** Indefinitely postponed.
**LEGISLATIVE BILL 1316.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Transportation

Tuesday, February 17, 1998 1:30 p.m.
State Highway Commission
John McClellan Jr.
Donna M. Wanitschke

Nebraska Railway Council
Michael D. Shannon

(Signed) Curt Bromm, Chairperson

**Government, Military and Veterans Affairs**

| | | |
|---|---|---|
| LB 1243 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1341 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1281 | Thursday, February 12, 1998 | 1:30 p.m. |
| LB 1305 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1101 | Friday, February 13, 1998 | 1:30 p.m. |
| LB 1330 | Friday, February 13, 1998 | 1:30 p.m. |

Friday, February 13, 1998 1:30 p.m.
Accountability and Disclosure Commission
Neil B. Danberg Jr.

(Signed) Ray Janssen, Vice Chairperson

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 4, 1998, 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

Ashford, Brad - Omaha; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)
Bouges, Merle E. - Lincoln; Disabled American Veterans
Dulaney, Michael S. - Lincoln; Nebraska Council of Private Postsecondary Career Schools; Nebraska Council of School Administrators
Harr, Ken - Lincoln; Nebraska Democratic Party
Ludwig, Daniel - Lincoln; EnTire Recycling, Inc.
McChesney, Jean - Lake Barrington, IL; DuPont Merck Pharmaceuticals, Inc.
Menzel, Elaine - Lincoln; Nebraska Association of County Officials
Rembolt Ludtke Berger
Fahleson, Mark A. - Lincoln; Anderson Management Services, Inc.
Ruggles, Robert L. - Lincoln; Nebraska Pork Producers Association, Inc.
Sellentin, Jerry L. - Lincoln; Nebraska Council of Private Postsecondary Career Schools; Nebraska Council of School Administrators
Skochdopole, R. A. - Omaha; Alegent Health
Young, Philip M. - Lincoln; Barr Laboratories, Inc.

## ANNOUNCEMENT

Mrs. Witek designates LB 465 as her priority bill.

## MESSAGE FROM THE GOVERNOR

February 4, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Public Employees Retirement Board:

APPOINTEE: Carol L. Kontor, 9847 Harney Parkway South, Omaha, NE 68114

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## REPORTS

The following reports were received by the Legislature:

**Labor, Department of**
Labor Area Summary

**Intergovernmental Data Communications Advisory Council**
Annual Report and Five Year Plan

## SELECT FILE

**LEGISLATIVE BILL 306.** E & R amendment, AM7195, found on page 498, was adopted.

Mr. Wickersham renewed the Revenue Committee pending amendment, AM2968, printed separately from the Journal and referred to on page 518.

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

The Revenue Committee amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

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

**LEGISLATIVE BILL 109.** E & R amendment, AM7180, found on page 390, was adopted.

Mrs. Brown offered the following amendment:
AM3002

(Amendments to E & R amendments, AM7180)

1. Strike section 1 and insert the following new section:

"Section 1. The chief or head official of the fire department, fire inspectors as may be designated by such chief or head official, or inspectors charged with the enforcement of fire, health, or safety codes and constructional technical codes of a city of the first class, city of the primary class, or city of the metropolitan class shall have the authority, after being trained by a certified law enforcement officer in the policies and procedures for issuance of citations, to issue citations for violations of fire, health, and safety codes and constructional technical codes (1) that constitute infractions or violations of city ordinances, (2) that are violations of the fire, health, or safety code or constructional technical code that the official or inspector issuing the citation is charged with enforcing, and (3) in which the circumstances do not pose a danger to the official or inspector. A citation issued under this section shall be equivalent to and have the same legal effect as a citation issued in lieu of arrest or continued custody by a peace officer if the citation and procedures utilized meet the requirements of sections 29-422 to 29-429. The citation shall be on the same form prescribed under section 29-423. Failure to appear or comply with a citation issued under this section shall be punishable in the same manner as provided in section 29-426. An official or inspector issuing a citation under this section shall not have authority to take a person into custody or detain a person under this section or section 29-427.".

2. On page 1, line 24, strike "special".

The Brown amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 33.** E & R amendment, AM7185, found on page

401, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 855.** E & R amendment, AM7184, found on page 402, was adopted.

Mr. Dw. Pedersen asked unanimous consent to pass over LB 855. No objections. So ordered.

**LEGISLATIVE BILL 376.** E & R amendment, AM7186, found on page 404, was adopted.

Mr. Chambers renewed his pending amendment, FA451, found on page 389.

The Chambers 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:
FA484

1. On page 2 line 10 reinstate original language and strike new language.
2. On page 2 line 10 after "in" add at least once every three years.
3. On page 2 line 20 reinstate original language and strike new language.
4. On page 2 line 21 strike "not".

Ms. Schimek requested a division of the question on the Maurstad amendment.

The Chair sustained the division of the question.

The first Maurstad amendment is as follows:
FA486

1. On page 2 line 10 reinstate original language and strike new language.
2. On page 2 line 10 after "in" add at least once every three years.
3. On page 2 line 20 reinstate original language and strike new language.

The first Maurstad amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The second Maurstad amendment is as follows:
FA487

4. On page 2 line 21 strike "not".

**MR. WEHRBEIN PRESIDING**

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

Mr. Bruning asked unanimous consent to be excused until he returns. No

objections. So ordered.

Mr. Maurstad moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Maurstad requested a record vote on his amendment.

Voting in the affirmative, 4:

| | | | |
|---|---|---|---|
| Bromm | Brown | Maurstad | Witek |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Bruning | Janssen | Matzke | Schmitt | Tyson |
| Cudaback | Jones | Pedersen, Dw. | Schrock | Vrtiska |
| Elmer | Kiel | Pederson, D. | Stuhr | Wesely |
| Hartnett | Landis | Schellpeper | Suttle | Will |
| Hilgert | Lynch | Schimek | Thompson | Willhoft |
| Hillman | | | | |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Hudkins | Peterson, C. | Wehrbein |
| Brashear | Engel | Jensen | Raikes | Wickersham |
| Chambers | | | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Kristensen | Robak | Robinson |
| Bohlke | Crosby | Preister | | |

The second Maurstad amendment lost with 4 ayes, 26 nays, 11 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

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

Mr. Maurstad offered the following amendment:
FA485
On page 2 line 19 strike starting with "the" through "county." on line 20

The Maurstad amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

## NOTICE OF COMMITTEE HEARING
### Agriculture

| | | |
|---|---|---|
| LB 1045 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1248 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1048 | Tuesday, February 17, 1998 | 1:30 p.m. |

(Signed) Merton L. Dierks, Chairperson

## STANDING COMMITTEE REPORTS
### Banking, Commerce and Insurance

**LEGISLATIVE BILL 1179.** Placed on General File as amended.
Standing Committee amendment to LB 1179:
AM3007

1. Strike original sections 3 and 4 and insert the following new sections:

"Section 1. Section 45-118, Revised Statutes Supplement, 1997, is amended to read:

45-118. (1) Except as provided in subsection (2) of this section, a hearing shall be held on every ~~Every~~ application for an original license under sections 45-114 to 45-158. Every application for an original license shall be filed not less than thirty days prior to the date of hearing. ~~thereon.~~ Notice of the filing of the application shall be published by the ~~Department of Banking and Finance~~ department three successive weeks in a legal newspaper published in or of general circulation in the county where the applicant proposes to operate the business of lending money. The expense of the publication shall be paid by the applicant. Written protest against the issuance of the license may be filed with the department by any person not less than five days before the date set for hearing. The department, in its discretion, may grant a continuance. The Director of Banking and Finance shall have the power to reject any application for license after hearing. He or she shall, within his or her discretion, make examination and inspection concerning the propriety of the issuance of a license to any applicant. The cost of such examination and inspection shall be borne by the applicant.

(2) The director may waive the hearing requirements of subsection (1) of this section if (a) the applicant has held, and operated under, a license to engage in the business of lending money in Nebraska pursuant to sections 45-114 to 45-158 for at least one calendar year immediately prior to the filing of the application, (b) following publication of a notice of the filing of the application one time in a newspaper of general circulation in the county where the applicant proposes to operate the business of lending money, no written protest against the issuance of the license has been filed with the department within fifteen days after publication, and (c) in the judgment of the director, the

experience, character, and general fitness of the applicant warrant the belief that the applicant will comply with sections 45-114 to 45-158.

Sec. 2. Section 45-121, Reissue Revised Statutes of Nebraska, is amended to read:

45-121. The Department of Banking and Finance shall approve or deny every application for license under section 45-120 within ~~sixty~~ ninety days from the filing thereof, if such filing is accompanied by the required fees and the approved bond.

Sec. 5. Original sections 45-118, 45-121, 45-130, and 45-351, Revised Statutes Supplement, 1997, are repealed.".

2. On page 2, line 15, strike "semiannually", show as stricken, and insert "annually"; in line 19 strike "semiannually" and show as stricken; and in line 21 strike "June 30 and December 31 of each year", show as stricken, and insert "the examination".

3. Renumber the remaining sections accordingly.

(Signed) David M. Landis, Chairperson

**Agriculture**

**LEGISLATIVE BILL 1046.** Placed on General File.
**LEGISLATIVE BILL 1168.** Placed on General File.

(Signed) Merton L. Dierks, Chairperson

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 695.** Placed on Select File as amended.
E & R amendment to LB 695:
AM7197

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 47-119, Revised Statutes Supplement, 1996, is amended to read:

47-119. For purposes of sections ~~47-120 and~~ 47-119 to 47-121~~,~~ ~~state~~ and sections 2 and 5 of this act:

(1) Criminal detention facility has the same meaning as in section 83-4,125; and

(2) State prisoner ~~shall mean~~ means a person who has been convicted and sentenced as an adult to a Department of Correctional Services adult correctional facility or placed on probation for such offense. ~~of a felony and has started to serve the sentence imposed under such conviction.~~

Sec. 2. The county in which a prisoner committed an offense or is alleged to have committed an offense is responsible for the cost of keeping and maintaining the prisoner in a criminal detention facility located within the state which is not reimbursed

by a city, the state, or the federal government. After sentencing if a prisoner is a state prisoner, the state shall reimburse the county where the state prisoner was or is maintained in a criminal detention facility at the rate of thirty-five dollars per day for each day the state prisoner was maintained in the criminal detention facility for such offense until the day the state prisoner is transferred to a Department of Correctional Services adult correctional facility or placed on probation for such offense. The county board or county board of corrections shall request reimbursement as provided in section 47-121. If the Department of Correctional Services has been notified under section 83-4,133 that the criminal detention facility which is requesting reimbursement does not qualify for reimbursement under this section, the department shall deny the reimbursement request for the days the facility was not qualified.

Sec. 3. Section 47-120, Reissue Revised Statutes of Nebraska, is amended to read:

47-120. The county board or county board of corrections serving pursuant to Chapter 23, article 28, shall provide proper quarters and adequate equipment for the preparation and serving of all meals furnished to all prisoners confined in the county jail. The county sheriff or the county board of corrections shall have full charge and control of such services and the county board shall provide for all washing, fuel, lights, and clothing for prisoners, subject to ~~the right of the county to be paid by the state for state prisoners at the rate of three dollars and fifty cents per day~~ reimbursement for state prisoners from the state pursuant to section 2 of this act, and subject to the right of the county to be paid by the city or federal government for city or federal prisoners at actual cost to the county. Supplies of every nature entering into the furnishing of meals, washing, fuel, lights, and clothing to the prisoners confined in the county jail shall be purchased and provided under the direction of the county sheriff or the county board of corrections. Payment for all purchases shall only be made by the county board on the original invoices submitted by the sheriff or the county board of corrections of goods, supplies, and services, setting forth (1) that the invoice correctly describes the goods as to quality and quantity, (2) that the same have been received and are in the custody of the affiant, (3) that they have been or will be devoted exclusively to the purposes authorized in this section, and (4) that the price charged is reasonable and just. Nothing in this section shall be construed to restrict the sheriff or the county board of corrections in employing necessary personnel and from otherwise carrying out ~~his or her~~ the duties required in the operation of the jail.

Sec. 4. Section 47-121, Reissue Revised Statutes of Nebraska, is amended to read:

47-121. The county board of each county and the county board of corrections serving pursuant to Chapter 23, article 28,

confining state prisoners within its jails shall receive ~~three dollars and fifty cents per day~~ reimbursement from the state pursuant to section 2 of this act for boarding such prisoners. Such boards are hereby authorized to provide such meals, fuel, lights, washing, and clothing as may be necessary for the comfort of such prisoners while in custody in ~~their~~ the county. The sheriff or county board of corrections shall, on ~~the first day of January, April, July, and October of each year~~ a regular basis not less than quarterly nor more than monthly, make a report in writing to the Director of ~~Administrative~~ Correctional Services of the number of state prisoners in custody in such county for whom reimbursement is claimed. Such report shall be consistent with the rules and regulations adopted and promulgated by the department. All claims for reimbursement ~~the last three months before making its report, when committed, and for what time, the amount due the county board for boarding such prisoner or prisoners, the amount of clothing furnished each prisoner and the costs of the same, and the amount expended for washing, lights, and fuel, for that quarter, which amount~~ shall be sworn to by the sheriff or a designated representative of the county board of corrections before the clerk of the county and certified to under his or her seal. Thereupon the director shall ~~quarterly draw his or her~~ request that a warrant be drawn upon the State Treasurer for the amount due to the county treasurer of the county, and the amount drawn shall be credited to the general fund of the county. ~~When conditions require a constant guard to be kept to prevent the escape of prisoners confined therein, the sheriff shall be allowed actual costs per day for guarding or procuring guard for such prisoners, which shall be paid to him or her quarterly by the governmental unit responsible for the commitment of the prisoner.~~

Sec. 5. The Department of Correctional Services may adopt and promulgate rules and regulations to implement sections 47-119 to 47-121 and sections 2 and 5 of this act.

Sec. 6. Section 83-4,133, Reissue Revised Statutes of Nebraska, is amended to read:

83-4,133. If the governing body of the juvenile detention facility or criminal detention facility fails to initiate corrective action within six months ~~of~~ after the receipt of such inspection report, fails to correct the disclosed conditions, or fails to close the criminal detention facility or juvenile detention facility or the objectionable portion thereof, the Jail Standards Board ~~may~~ shall advise the Department of Correctional Services that the criminal detention facility does not qualify for reimbursement for state prisoners under section 2 of this act and at the same time or at a later date may petition the district court within the judicial district in which such facility is located to close the facility. Such petition shall include the inspection report regarding such facility. The local governing body shall then have thirty days to respond to such petition and shall serve a

copy of the response on the Jail Standards Board by certified mail, return receipt requested. Thereafter, a hearing shall be held on the petition before the district court, and an order shall be rendered by such court which either:

(1) Dismisses the petition of the Jail Standards Board;

(2) Directs that corrective action be initiated in some form by the local governing body of the facility in question; or

(3) Directs that the facility be closed. An appeal from the decision of the district court may be taken to the Court of Appeals.

If the Jails Standards Board petitions to have the facility closed, the local governing body may challenge the no reimbursement for state prisoners determination in that action, and if there is no petition to close the facility, the local governing body may challenge the no reimbursement for state prisoners determination by filing an action in district court.

Sec. 7. Sections 5 and 7 of this act become operative on January 1, 1999. The other sections of this act become operative July 1, 1999.

Sec. 8. Original sections 47-120, 47-121, and 83-4,133, Reissue Revised Statutes of Nebraska, and section 47-119, Revised Statutes Supplement, 1996, are repealed.

Sec. 9. The following sections are outright repealed: Sections 29-1002 to 29-1005, Reissue Revised Statutes of Nebraska.".

2. On page 1, strike beginning with "29-1002," in line 1 through line 7 and insert "47-120, 47-121, and 83-4,133, Reissue Revised Statutes of Nebraska, and section 47-119, Revised Statutes Supplement, 1996; to define and redefine terms; to change and eliminate provisions relating to costs of maintaining prisoners; to provide for reimbursement for such costs; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 29-1002 to 29-1005, Reissue Revised Statutes of Nebraska.".

(Signed) Jon C. Bruning, Chairperson

## ANNOUNCEMENT

Mrs. C. Peterson designates LB 1005 as her priority bill.

## AMENDMENTS - Print in Journal

Mr. Dierks filed the following amendment to LB 395:
AM3018

(Amendments to Standing Committee amendments, AM1138)

1. On page 3, line 17, strike "and (c)" and insert "(c) with respect to the generation, storage, transport, or disposal of radioactive material, low-level radioactive waste, and high-level

radioactive waste as defined in section 71-3503, and (d)".

Mrs. Witek filed the following amendment to LB 629:
AM3023

(Amendments to E & R amendments, AM7187)

1. Strike section 2 and insert the following new sections:

"Sec. 2. Section 79-407, Revised Statutes Supplement, 1997, is amended to read:

79-407. The territory within the corporate limits of each incorporated city or village in the State of Nebraska, together with such additional territory and additions to such city or village as may be added thereto, as declared by ordinances to be boundaries of such city or village, having a population of more than one thousand and less than one hundred fifty thousand inhabitants, including such adjacent territory as now is or hereafter may be attached for school purposes, shall constitute a Class III school district. The school district shall be a body corporate and possess all the usual powers of a corporation for public purposes and may sue and be sued, purchase, hold, and sell such personal and real property, and control such obligations as are authorized by law. The title to all school buildings or other real or personal property owned by any school district within the corporate limits of any city or village shall, upon the organization of the school district, vest immediately in the new school district. The school board of the new school district shall have exclusive control of such buildings and real or personal property for all purposes contemplated in this section, except as provided in section 79-473.

Sec. 3. Original sections 79-102 and 79-407, Revised Statutes Supplement, 1997, are repealed.".

2. On page 1, line 17, after "hundred" insert "fifty".

Mr. Dw. Pedersen filed the following amendment to LB 855:
AM3024

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The following section is outright repealed: Section 35-109, Revised Statutes Supplement, 1997.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.".

Messrs. Hilgert and Coordsen filed the following amendment to LB 225:
(Amendment, AM3027, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers filed the following amendment to LB 320:
AM3017

(Amendments to E & R amendments, AM7193)

1. Insert the following new sections:

"Sec. 8. Section 60-4,124, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,124. A person who is younger than sixteen years of age but is over fourteen years of age may be issued, by the county treasurer, a school permit to drive a motor vehicle, moped, or motorcycle to and from where he or she attends school by the nearest highway from his or her place of residence if such person lives a distance of one and one-half miles or more from such school and either resides outside a city of the metropolitan, primary, or first class or attends a school which is outside a city of the metropolitan, primary, or first class. A school permit shall be used for the sole purpose of transporting such person or any family member who resides with such person to attend school, except that the holder of the permit may drive under the personal supervision of his or her parents or guardian. A school permit shall not be issued until such person has appeared before an examiner to demonstrate that he or she is capable of successfully operating a motor vehicle, moped, or motorcycle and has in his or her possession an examiner's certificate authorizing the county treasurer to issue a school permit.

Any such person desiring a school permit may first obtain an LPE-learner's permit from the county treasurer, which permit shall be valid for a period of two months. An LPE-learner's permit shall not be issued until such person demonstrates that he or she has sufficient powers of eyesight to safely operate a motor vehicle, moped, or motorcycle. While holding the LPE-learner's permit, the person may operate a motor vehicle on the highways of this state if he or she has seated next to him or her a person who is a licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact of and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator or, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor vehicle or motorcycle operator shall either be a parent or guardian of the holder or a person over the age of nineteen years who is authorized in writing by the holder's parent or guardian to supervise the actions of the holder in operating the vehicle.

The county treasurer shall collect a fee of three dollars from each successful applicant for a school or LPE-learner's permit. All school permits shall be subject to revocation under the terms of section 60-496. Any person who violates the terms of a school permit shall be guilty of an infraction ~~a Class III misdemeanor~~ and shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

Sec. 10. Section 60-4,126, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,126. Any person who is younger than sixteen years

of age but is over thirteen years of age and resides upon a farm in this state or is fourteen years of age or older and is employed for compensation upon a farm in this state may obtain a farm permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the highways of this state if the applicant for such farm permit furnishes to an examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he or she has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for the temporary permit signed by the person's parent or guardian and payment of five dollars. After the expiration of the six-month period, it shall be unlawful for such person to operate such equipment upon the highways of this state unless he or she has been issued a farm permit under this section. The fee for an original, renewal, or duplicate farm permit shall be five dollars. All farm permits shall be subject to revocation under the terms of section 60-496. Any person who violates the terms of a farm permit shall be guilty of an infraction ~~a Class III misdemeanor~~ and shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.".

2. On page 17, line 17, strike "60-4,125" and insert "60-4,124 to 60-4,126,".

3. Renumber the remaining sections and correct internal references accordingly.

## SELECT FILE

**LEGISLATIVE BILL 234.** E & R amendment, AM7188, found on page 411, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 299.** E & R amendment, AM7189, found on page 424, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 656.** E & R amendment, AM7190, found on page 427, was adopted.

Mrs. C. Peterson offered the following amendment:
AM2859

1. Insert the following new sections:

"Section 1. Section 2-1588, Reissue Revised Statutes of

Nebraska, is amended to read:

2-1588. Any money in the Nebraska Resources Development Fund may be allocated by the Nebraska Natural Resources Commission in accordance with sections 2-1586 to 2-1595 for utilization by the commission, by any state office, agency, board, or commission, or by any political subdivision of the State of Nebraska which has the authority to develop the state's water and related land resources. Such money may be allocated in the form of grants or loans or for acquiring state interests in water and related land resources programs and projects undertaken within the state. The allocation of funds to a program or project in one form shall not of itself preclude additional allocations in the same or any other form to the same program or project. Funds may also be allocated to assist natural resources districts in the preparation of management plans as provided in section 46-656.12. Funds so allocated shall not be subject to sections 2-1589 to 2-1595.

Only projects with estimated total costs of less than ~~fifteen~~ seventeen million dollars, which shall not include operation and maintenance costs, shall be eligible for assistance from the Nebraska Resources Development Fund. If cost overruns during project construction cause the cost of a project to exceed ~~fifteen~~ seventeen million dollars, the commission may continue to participate in the project and may allocate additional funds to ensure project completion.

No project, including all related phases, segments, parts, or divisions, shall receive more than ten million dollars from the fund.

On July 1, 1994, and each year thereafter, the Director of Natural Resources shall adjust the project cost and payment limitation of this section by an amount equal to the average percentage change in the federal Department of Commerce, Bureau of the Census, Composite Construction Cost Index for the prior three years.

Prior to September 1 of each even-numbered year, a biennial report shall be made to the Governor and the Clerk of the Legislature describing the work accomplished by the use of such development fund during the immediately preceding two-year period. The report shall include a complete financial statement. Each member of the Legislature shall receive a copy of such report upon making a request for it to the director.

Sec. 2. Original section 2-1588, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining sections accordingly.

The C. Peterson amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 656A.** E & R amendment, AM7191, found on page 428, was adopted.

Mr. Wehrbein offered the following amendment:
FA488
$100,000 to 75,000

The Wehrbein amendment lost with 5 ayes, 10 nays, 26 present and not voting, and 8 excused and not voting.

Messrs. Dierks and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 497.** E & R amendment, AM7192, printed separately and referred to on page 471, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 369.** E & R amendment, AM7194, found on page 472, was adopted.

Mr. Matzke moved to indefinitely postpone LB 369.

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

The Matzke motion to indefinitely postpone failed with 5 ayes, 24 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 939.** Advanced to E & R for engrossment.

The Chair declared the call raised.

**AMENDMENTS - Print in Journal**

Mr. Maurstad filed the following amendments to LR 45CA:

(1)

AM2957

1. Strike original section 4 and all amendments thereto.
2. On page 16, strike lines 20 through 23.
3. Renumber the remaining section accordingly.

(2)

AM2958

1. On page 7, line 11, strike "may" and insert "shall".
2. On page 16, line 8, strike "authorize" and insert "require".

(3)

AM2956

1. Strike original section 3 and all amendments thereto.
2. On page 4, line 10, strike "Article VIII, section 1, and".
3. Strike the material beginning on page 4, line 12, through page 7, line 5 and all amendments thereto.
4. On page 7, strike beginning with "(3)" in line 19 through the underscored period in line 24.
5. On page 16, strike beginning with "the" in line 6 through "authorize" in line 8 and all amendments thereto; and strike lines 13 through 19.
6. Renumber the remaining sections accordingly.

## ANNOUNCEMENTS

Mr. Raikes designates LB 1109 as his priority bill.

Mr. Wickersham designates LB 1120 as his priority bill.

The Agriculture Committee designates LB 1248 as its priority bill.

## UNANIMOUS CONSENT - Add Cointroducer

Mr. D. Pederson asked unanimous consent to have his name added as cointroducer to LB 695. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Robert Busch from Mitchell and Rodney Schaneman from Melbeta; 21 fourth grade students and teacher from Plattsmouth Elementary School, Plattsmouth; and Senator Hartnett's sister and brother-in-law, Dr. Stephen and Mary R. Maks from Grand Island.

The Doctor of the Day was Bob Rauner from Sidney.

## ADJOURNMENT

At 11:46 a.m., on a motion by Mr. Bruning, the Legislature adjourned until 9:00 a.m., Monday, February 9, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TWENTY-FIRST DAY – FEBRUARY 9, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 9, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Brashear, Robinson, Wickersham, Mmes. Hillman, and Hudkins who were excused; and Messrs. Abboud, Cudaback, Dierks, Will, Mmes. Bohlke, Kiel, and Witek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

## STANDING COMMITTEE REPORTS
### Transportation

**LEGISLATIVE BILL 1143.** Placed on General File.
**LEGISLATIVE BILL 1279.** Placed on General File.

**LEGISLATIVE BILL 1030.** Placed on General File as amended.
Standing Committee amendment to LB 1030:
AM3006
1. Strike original section 3.

(Signed) Curt Bromm, Chairperson

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 322.

## GENERAL FILE

**LEGISLATIVE BILL 777.** Mr. Chambers renewed his pending amendment, FA482, found on page 537.

Messrs. Maurstad 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 21 ayes, 0 nays, and 28 not voting.

The Chambers amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 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.

Advanced to E & R for review with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

## STANDING COMMITTEE REPORT
### Natural Resources

**LEGISLATIVE BILL 1125.** Placed on General File as amended.
Standing Committee amendment to LB 1125:
AM3022

1. On page 2, strike beginning with "Environmental" in line 11 through "Licensure" in line 13 and insert "Department of Environmental Quality"; and strike beginning with "Environmental" in line 14 through "Licensure" in line 16 and insert "Department of Environmental Quality".

2. On page 3, line 25, strike "city or village" and insert "controlling entity".

3. On page 4, line 15, after the period insert "Such approval shall be based on whether the boundaries of the wellhead protection area are reasonably defined, the controls are reasonably related to the purpose of ground water protection in the area, and such approval is in the public interest.".

4. On page 5, lines 10 and 16, strike "official action" and insert "resolution or ordinance"; in line 12 after "Act" insert ", unless controls are proposed. If such controls are proposed, the controls and the boundaries of the wellhead protection area are subject to the requirements of sections 4 to 6 of this act"; and in line 17 strike "pursuant" through "Act".

(Signed) Chris Beutler, Chairperson

## ANNOUNCEMENT

Mr. Hartnett designates LB 1293 as his priority bill.

## UNANIMOUS CONSENT - Members Excused

Mr. Bruning and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 799.** Title read. Considered.

Standing Committee amendment, AM1795, found on page 1841, First Session, 1997, lost with 0 ayes, 25 nays, 12 present and not voting, and 12 excused and not voting.

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

Mrs. Crosby renewed her pending amendment, AM2846, found on page 440.

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

The Crosby amendment was adopted with 34 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 34 ayes, 1 nay, 3 present and not voting, and 11 excused and not voting.

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

## STANDING COMMITTEE REPORTS

### Natural Resources

**LEGISLATIVE BILL 1084.** Placed on General File.
**LEGISLATIVE BILL 1126.** Placed on General File.

(Signed) Chris Beutler, Chairperson

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 1238.** Placed on General File as amended.
(Standing Committee amendment, AM3008, 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 M. Landis, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 799A.** Title read. Considered.

Mrs. Crosby withdrew her amendment, AM2765, found on page 443.

Mrs. Crosby offered the following amendment:
AM2991

1. Strike the original sections and insert the following new section:

"Section 1. There is hereby appropriated (1) $400,000 from the Nebraska Arts and Humanities Cash Fund for FY1998-99 and (2) $400,000 from the Nebraska Arts and Humanities Cash Fund for FY1999-00 to the Nebraska Arts Council, for Program 329, to aid in carrying out the provisions of Legislative Bill 799, Ninety-fifth Legislature, Second Session, 1998.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

There is included in the appropriation to this program for FY1998-99 $400,000 Cash Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1999-00 $400,000 Cash Funds for state aid, which shall only be used for such purpose.".

The Crosby amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 29 ayes, 1 nay, 7 present and not voting, and 12 excused and not voting.

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

**LEGISLATIVE BILL 225.** Title read. Considered.

**MR. LANDIS PRESIDING**

Standing Committee amendment, AM1068, found on page 1111, First Session, 1997, lost with 0 ayes, 27 nays, 10 present and not voting, and 12 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Hilgert and Coordsen renewed their pending amendment, AM3027, printed separately and referred to on page 552.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

The Hilgert-Coordsen amendment 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 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

## NOTICE OF COMMITTEE HEARINGS
### Banking, Commerce and Insurance

| | | |
|---|---|---|
| LB 907 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 985 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1112 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1277 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1307 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1320 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1321 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1085 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 1235 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 1318 | Tuesday, February 24, 1998 | 1:30 p.m. |

Tuesday, February 24, 1998 1:30 p.m.
Tim Hall - Director, Nebraska Department of Insurance

(Signed) David M. Landis, Chairperson

## AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 1112:
AM2983

1. On page 4, line 21 after "(ii)" insert "by a certified Alcohol/Drug Abuse Counselor who is certified by the Division of Alcoholism, Drug Abuse, and Addiction Services of the Department of Health and Human Services, (iii)"; in line 24 strike "(iii)" and insert "(iv)"; and in line 25 strike "(iv)" and insert "(v)".

## GENERAL FILE

**LEGISLATIVE BILL 395.** Title read. Considered.

Standing Committee amendment, AM1138, found on page 1191, First Session, 1997, was considered.

Mmes. Stuhr, Robak, Messrs. Maurstad, and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Mr. Preister renewed his pending amendment, AM2854, found on page 465, to the Standing Committee amendment.

Pending.

## NOTICE OF COMMITTEE HEARING
### Health and Human Services

Thursday, February 19, 1998 1:30 p.m.
Deb Thomas - Policy Secretary, Health and Human Services

(Signed) Don Wesely, Chairperson

## AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 1161:
(Amendment, AM3055, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Vrtiska filed the following amendment to LB 1281:
AM3058

1. On page 5, line 7, strike "nine" and insert "seven";
and strike lines 19 through 28 and insert:

| | |
|---|---|
| "1 | 70% |
| 2 | 60 |
| 3 | 50 |
| 4 | 40 |
| 5 | 30 |
| 6 | 20 |
| 7 | 10 |
| 8 and after | 0". |

2. On page 6, strike line 1.

## STANDING COMMITTEE REPORTS
### Urban Affairs

**LEGISLATIVE BILL 708.** Indefinitely postponed.
**LEGISLATIVE BILL 938.** Indefinitely postponed.
**LEGISLATIVE BILL 946.** Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 33, 109, 234, 299, 306, 369, 376, 497, 656, 656A, and 939.

## Enrollment and Review Change to LB 109

The following changes, required to be reported for publication in the Journal, have been made:
ER9115

1. In the E & R Amendments, AM7180, on page 3, line 1, "special" has been struck.

## Enrollment and Review Change to LB 306

The following changes, required to be reported for publication in the Journal, have been made:
ER9117

1. In the Revenue Committee amendment, AM2968, on page 5, line 13, "protection" has been inserted after "fire".

2. In the E & R amendments, AM7195:

a. On page 2, line 20, "and 77-1742" has been struck and "77-1742, and 77-3445" inserted; in line 22 "60-3002," has been inserted after the fourth comma; in line 23 "to" has been struck and a comma inserted; in line 25 "79-1018" has been struck and "79-1003, 79-1018, 79-1018.01" inserted; and in line 26 "and eliminate" has been inserted after "change"; and

b. On page 3, line 4, "to outright repeal section 77-1601.01, Revised Statutes Supplement, 1997;" has been inserted after the second semicolon.

3. In the Revenue Committee amendment, AM2828, on page 50, line 5, "or final levy allocation" has been inserted after "limits"; and the new matter beginning with "Any" in line 16 through the period in line 22 has been moved to line 23 after the period.

## Enrollment and Review Change to LB 376

The following changes, required to be reported for publication in the Journal, have been made:
ER9118

1. The original sections and all amendments thereto have been struck and the following new sections inserted:

"Section 1. Section 23-175, Reissue Revised Statutes of Nebraska, is amended to read:

23-175. When a county board employs a person and places in his or her charge and under his or her supervision trucks, automobiles, snowplows, road graders, or other vehicles and authorizes such employee to use them upon a public road, the county board shall purchase liability insurance to protect any such employee against loss occasioned by any acts of negligence resulting from the use of such vehicles or equipment. The insurance shall be purchased by public bidding at least once every three years in a limit of not less than ~~fifty~~ one hundred thousand dollars to cover the bodily injury or injuries of one person and, subject to the limitation to one person, one ~~hundred thousand~~ million dollars to cover bodily injury or injuries to more than one person in the same accident

and ~~ten~~ one hundred thousand dollars to cover property damage. The insurance policy may, in the discretion of the county board, contain a deductible provision for up to one thousand dollars of any claim in which event the county shall be considered a self-insurer for that amount. ~~The premium shall be paid out of the road fund of the county.~~ The insurance and bidding requirements of this section shall not apply to a county which is a member of a risk management pool formed pursuant to the Intergovernmental Risk Management Act. Any judgment against any employee shall not be collectible in whole or in part from any member of the county board. ~~or any of its members.~~

Sec. 2. Original section 23-175, Reissue Revised Statutes of Nebraska, is repealed.".

## Enrollment and Review Change to LB 656

The following changes, required to be reported for publication in the Journal, have been made:
ER9116

1. In the C. Peterson amendment, AM2859, sections 1 to 3 have been renumbered as sections 5 to 7, respectively.

2. In the Beutler-Jones amendment, AM2782:

a. On page 1, line 23, "sections 1 to 4 of" has been inserted after "of"; and

b. Underscoring has been inserted in sections 1 to 4.

3. On page 1, the matter beginning with "state" in line 1 through line 2 and all amendments thereto have been struck and "amend section 2-1588, Reissue Revised Statutes of Nebraska; to state intent; to define a term; to provide for funding for the operation of the Niobrara Scenic River Local Management Council; to provide powers and duties; to change project eligibility requirements for assistance from the Nebraska Resources Development Fund; to repeal the original section; and to declare an emergency." inserted.

(Signed) Jon C. Bruning, Chairperson

## VISITORS

Visitors to the Chamber were Mayor Darlene "Shortie" Kiefer and Jim O'Brien from Kimball; 10 eighth grade students and teacher from Mickle Junior High School, Lincoln; Senator Matzke's wife, Lee-Ellen and her mother and aunt, Mrs. Rene Creaseman from McCook and Mrs. Reta Parker from Denver; and members of Family and Consumer Science Teachers of Nebraska and Family Career and Community Leaders of America.

The Doctor of the Day was Don Klitgaard from Lincoln.

## ADJOURNMENT

At 12:00 noon, on a motion by Mr. Bromm, the Legislature adjourned until 9:00 a.m., Tuesday, February 10, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

## TWENTY-SECOND DAY – FEBRUARY 10, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 10, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

### PRAYER

The prayer was offered by Pastor Brian Hope, Sprague Community Church, Sprague, Nebraska.

### ROLL CALL

The roll was called and all members were present except Mrs. Hillman, Messrs. Brashear, Robinson, and Wickersham who were excused; and Messrs. Abboud, Will, Mmes. Bohlke, Brown, Kiel, Robak, and Witek who were excused until they arrive.

**MRS. CROSBY PRESIDING**

### CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

### STANDING COMMITTEE REPORTS
**Health and Human Services**

**LEGISLATIVE BILL 1041.** Placed on General File as amended.
(Standing Committee amendment, AM3050, 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 1079.** Placed on General File as amended.
Standing Committee amendment to LB 1079:
AM3049

1. Strike the original sections and insert the following new sections:

"Section 1. Section 43-102, Revised Statutes Supplement,

1996, 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 ~~, the~~ consent or consents required by ~~section 43-104 or~~ sections 43-104 and 43-105 or section 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 shall be filed prior to the hearing required in section 43-103.

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 43-104, Revised Statutes Supplement, 1996, is amended to read:

43-104. Except as otherwise provided in the Nebraska Indian Child Welfare Act, no adoption shall be decreed unless ~~the petition therefor is accompanied by~~ written consents thereto are filed in the county court of the county in which the person or persons desiring to adopt reside and the written consents are executed by (1) the minor child, if over fourteen years of age, or the adult child of the adopting person's spouse, (2) any district court, county court, or separate juvenile court in the State of Nebraska having jurisdiction of the custody of a minor child by virtue of divorce proceedings had in any district court, county court, or separate juvenile court in the State of Nebraska or by virtue of section 43-1203, and (3) both parents of a child born in lawful wedlock if living, the surviving parent of a child born in lawful wedlock, the mother of a child born out of wedlock, or both the mother and father of a child born out of wedlock as determined pursuant to sections 43-104.08 to 43-104.24, except that consent shall not be required of any parent who (a) has relinquished the child for adoption by a written instrument, (b) has abandoned the child for at least six months next preceding the filing of the adoption petition, (c) has been deprived of his or her parental rights to such child by the order of any court of competent jurisdiction, or (d) is incapable of consenting.

Sec. 3. Section 43-105, Revised Statutes Supplement, 1996, is amended to read:

43-105. If consent is not required of both parents of a child born in lawful wedlock if living, the surviving parent of a child born in lawful wedlock, or the mother or mother and father of a child born out of wedlock, because of the provisions of subdivision (3) of section 43-104, substitute consents shall be filed as follows: (1) Consent to the adoption of a minor child who

has been committed to the Department of Health and Human Services may be given by the department or its duly authorized agent in accordance with section 43-906; (2) when a parent has relinquished a minor child for adoption to any child placement agency licensed or approved by the department or its duly authorized agent, consent to the adoption of such child may be given by such agency; and (3) in all other cases when consent cannot be given as provided in subdivision (3) of section 43-104, consent shall be given by the guardian or guardian ad litem of such minor child appointed by a court, which consent shall be authorized by the court having jurisdiction of such guardian or guardian ad litem. Substitute consent provisions of this section do not apply if a biological father's consent is not required under section 43-104.22.

Sec. 4. Section 43-107, Revised Statutes Supplement, 1997, is amended to read:

43-107. (1)(a) For adoption placements occurring or in effect prior to January 1, 1994, upon the filing of a petition for adoption, the county judge shall, except in the adoption of children by stepparents when the requirement of an investigation is discretionary, request the Department of Health and Human Services or any child placement agency licensed by the department to examine into the allegations set forth in the petition and to ascertain any other facts relating to such minor child and the person or persons petitioning to adopt such child as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the department or other licensed agency shall conduct an investigation and report its findings to the county judge in writing at least one week prior to the date set for hearing.

(b)(i) For adoption placements occurring on or after January 1, 1994, ~~upon the filing of a petition for adoption,~~ a preplacement adoptive home study shall be filed with the county court prior to the hearing required in section 43-103, which study is completed by the Department of Health and Human Services or a licensed child placement agency within one year before the date on which the adoptee is placed with the petitioner or petitioners and indicates that the placement of a child for the purpose of adoption would be appropriate.

(ii) An adoptive home study shall not be required when the petitioner is a stepparent of the adoptee unless required by the court, except that for petitions filed on or after January 1, 1994, the county judge shall order the petitioner or his or her attorney to request the Nebraska State Patrol to file a Nebraska criminal history record information check and to request the department to conduct and file a check of the central register created in section 28-718 for any history of the petitioner of behavior injurious to or which may endanger the health or morals of

a child. An adoption decree shall not be issued until such records are on file with the court. The petitioner shall pay the cost of the Nebraska criminal history record information check and the check of the central register.

(iii) The placement of a child for foster care made by or facilitated by the department or a licensed child placement agency in the home of a person who later petitions the court to adopt the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department or a licensed child placement agency and filed with the county court at least one week prior to the hearing for adoption.

(iv) A voluntary placement for purposes other than adoption made by a parent or guardian of a child without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department or a licensed child placement agency and filed with the county court at least one week prior to the hearing for adoption.

(v) Any adoptive home study required by this section shall be conducted by the department or a licensed child placement agency at the expense of the petitioner or petitioners unless such expenses are waived by the department or licensed child placement agency. The department or licensed agency shall determine the fee or rate for the adoptive home study.

(vi) The preplacement or postplacement adoptive home study shall be performed as prescribed in rules and regulations of the department and shall include at a minimum an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption. Such rules and regulations shall require an adoptive home study to include a Nebraska criminal history record information check and a check of the central register created in section 28-718 for any history of the petitioner or petitioners of behavior injurious to or which may endanger the health or morals of a child.

(2) Upon the filing of a petition for adoption, the county judge shall require that a complete medical history be provided on the child, except that in the adoption of a child by a stepparent the provision of a medical history shall be discretionary. A medical history shall be provided, if available, on the biological mother and father and their biological families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles, unless the child is foreign born or was abandoned. The medical history or histories shall be reported on a form provided by the Department of Health and Human Services Finance and Support and filed along with the report of adoption as

provided by section 71-626. If the medical history or histories do not accompany the report of adoption, the Department of Health and Human Services Finance and Support shall inform the county court and the State Court Administrator. The medical history or histories shall be made part of the court record. After the entry of a decree of adoption, the court shall retain a copy and forward the original medical history or histories to the Department of Health and Human Services Finance and Support. This subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.

Sec. 5. Original sections 43-102, 43-104, and 43-105, Revised Statutes Supplement, 1996, and section 43-107, Revised Statutes Supplement, 1997, are repealed.".

**LEGISLATIVE BILL 219.** Indefinitely postponed.
**LEGISLATIVE BILL 266.** Indefinitely postponed.
**LEGISLATIVE BILL 609.** Indefinitely postponed.
**LEGISLATIVE BILL 692.** Indefinitely postponed.
**LEGISLATIVE BILL 871.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 395.** The pending Standing Committee amendment, AM1138, found on page 1191, First Session, 1997, and considered on page 563, 1998, was renewed.

Mr. Preister renewed his pending amendment, AM2854, found on page 465 and considered on page 564, to the Standing Committee amendment.

Mr. Preister moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Preister requested a roll call vote on his amendment.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Chambers | Hilgert | Landis | Schimek | Thompson |
| Dierks | Janssen | Lynch | Schmitt | Wesely |
| Hartnett | Kiel | Preister | Suttle | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Jones | Pederson, D. | Tyson |
| Beutler | Cudaback | Kristensen | Peterson, C. | Vrtiska |
| Bromm | Elmer | Matzke | Schellpeper | Wehrbein |
| Bruning | Hudkins | Maurstad | Schrock | Willhoft |
| Coordsen | Jensen | Pedersen, Dw. | Stuhr | Witek |

Present and not voting, 4:

Bohlke Engel Raikes Robak

Excused and not voting, 6:

Brashear Hillman Robinson Wickersham Will Brown

The Preister amendment lost with 14 ayes, 25 nays, 4 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 777.** Placed on Select File as amended.
E & R amendment to LB 777:
AM7198

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Any party to a divorce action involving minor children or an action involving child custody or visitation may be required by the court to complete a court-approved parenting education course pursuant to this section prior to the entry of a final judgment or order modifying the final judgment in such action. Participation in the course may be delayed or waived by the court for good cause shown. Failure or refusal by any party to participate in such a court-ordered program shall not delay the entry of a final judgment or order modifying a final judgment by more than six months.

A parenting education course approved pursuant to this section shall be designed to educate the parties about the impact of a pending divorce, custody, or visitation action upon their children. The course shall include, but not be limited to, information on the developmental stages of children, adjustment of children to parental separation, dispute resolution and conflict management, guidelines for visitation, stress reduction in children, and cooperative parenting.

Each party shall be responsible for the costs, if any, of attending a court-approved course. The court may specifically allocate costs between the parties for their required participation in a court-approved course. At the request of any party, the parties shall be allowed to attend separate courses or to attend the same course at different times, specifically if violence has been present in the relationship or one party has threatened the

other party with violence.

Sec. 2. Section 43-2901, Reissue Revised Statutes of Nebraska, is amended to read:

43-2901. Sections 43-2901 to 43-2919 and section 1 of this act shall be known and may be cited as the Parenting Act.

Sec. 3. All parties to a divorce action with minor children or an action involving child custody or visitation may be required to complete a court-approved parenting education course prior to the entry by the court of a final judgment or order modifying the final judgment as provided in section 1 of this act. Failure or refusal by any party to participate in such a court-ordered program shall not delay the entry of a final judgment or order modifying a final judgment by more than six months.

Sec. 4. The Revisor of Statutes shall assign section 3 of this act within sections 42-347 to 42-380.

Sec. 5. Original section 43-2901, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, line 4, after "duty" insert "for the Revisor of Statutes".

**LEGISLATIVE BILL 799.** Placed on Select File as amended.
E & R amendment to LB 799:
AM7200

1. On page 1, strike beginning with "section" in line 1 through line 5 and insert "sections 82-313 and 82-315, Reissue Revised Statutes of Nebraska; to state intent; to create funds and provide appropriations for arts and humanities funding; to provide for grants and matching funds; to provide duties for the Nebraska Arts Council; to harmonize provisions; and to repeal the original sections.".

2. In the Crosby amendment, AM2846, on page 1, line 16, after "Legislature" insert an underscored comma.

**LEGISLATIVE BILL 799A.** Placed on Select File as amended.
E & R amendment to LB 799A:
AM7201

1. On page 1, line 3, strike "First Session, 1997" and insert "Second Session, 1998".

**LEGISLATIVE BILL 225.** Placed on Select File as amended.
E & R amendment to LB 225:
AM7199

1. On page 1, strike beginning with "section" in line 1 through line 5 and insert "sections 48-624, 48-627, 48-628, and 48-669, Revised Statutes Supplement, 1996; to change provisions relating to weekly benefit amounts; to change eligibility and disqualification provisions; to harmonize provisions; and to repeal the original sections.".

(Signed) Jon C. Bruning, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Kontor, Carol L. - Nebraska Public Employees Retirement Board – Nebraska Retirement Systems

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## NOTICE OF COMMITTEE HEARINGS
### Education

| | | |
|---|---|---|
| LB 1270 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1280 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1169 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1352 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1331 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1301 | Tuesday, February 17, 1998 | 1:30 p.m. |
| LB 1160 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1314 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1247 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1304 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1335 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1328 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1204 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 1303 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 1344 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 1189 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 1360 | Tuesday, February 24, 1998 | 1:30 p.m. |

(Signed) Ardyce L. Bohlke, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 395.** Mr. Dierks withdrew his amendment, AM2936, found on page 492.

Mr. Dierks renewed his pending amendment, AM3018, found on page 551, to the Standing Committee amendment.

Messrs. Coordsen, Engel, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 22

ayes, 0 nays, and 27 not voting.

The Dierks amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Business and Labor

**LEGISLATIVE BILL 1334.** Placed on General File as amended.
Standing Committee amendment to LB 1334:
AM3043

1. On page 2, line 23, strike "or construction;" and insert ", including employees of agricultural cooperatives;
(d) Employees employed in construction;
(e) "; and in line 24 strike "(d)".
2. On page 3, line 1, strike "(e)" and insert "(f)"; and in line 3 strike "(f)" and insert "(g)".

**LEGISLATIVE BILL 1294.** Indefinitely postponed.

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Fernando "Butch" Lecuona III - Commissioner, Department of Labor

VOTE: Aye: Senators Abboud, Hilgert, Chambers, Dierks, Schimek, and Schrock. Nay: None. Absent: Senator Preister.

(Signed) Chris Abboud, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 323.** Introduced by Raikes, 25; Wesely, 26; Crosby, 29; Landis, 46; Schimek, 27; Hudkins, 21; Maurstad, 30.

WHEREAS, A. James Ebel was a pioneer in broadcast technology in Nebraska beginning in 1928; and

WHEREAS, his commitment to radio and television broadcasting began in 1928 as a radio engineer and continued in various capacities until his retirement in 1987; and

WHEREAS, his broadcast experience included working on FM radio in World War II, becoming director of the first university-operated FM station in the country, and eventually becoming Vice President and General Manager of KOLN/KGIN television from 1954 until 1985; and

WHEREAS, Mr. Ebel was instrumental in changing Nebraska broadcasting by adding translators across the state which placed Lincoln in a separate market from Omaha and allowed rural areas to become more familiar with Lincoln as a community; and

WHEREAS, Mr. Ebel's work with the Nebraska Educational Television Commission involving high definition television is an example of his unceasing efforts to recognize new technology in the area of television broadcasting; and

WHEREAS, he was a dedicated and loyal community volunteer and remained active in local and statewide civic affairs; and

WHEREAS, A. James Ebel passed away on January 31, 1998.

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

1. That the Legislature extend condolences to the family and friends of A. James Ebel.

2. That a copy of this resolution be sent to the family of A. James Ebel.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 395.** Mr. Preister offered the following amendment to the Standing Committee amendment:

AM2855

(Amendments to Standing Committee amendments, AM1138)

1. On page 1, strike lines 15 through 21 and insert:

"(a) Cooperation includes, but is not limited to, providing all information necessary to determine applicability of such sections, including, but not limited to, requested documents, access to employees, assistance in investigating an environmental violation, any noncompliance problems related to disclosure, and any environmental consequences related to the violation;

(b) Due diligence means a regulated entity's systematic efforts, appropriate to the size and nature of its business, to prevent, detect, and correct violations through all of the following:

(i) Compliance policies, standards, and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, and other sources of authority for environmental requirements;

(ii) Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures and assignment of specific responsibility for assuring compliance at each facility or operation;

(iii) Mechanisms for systematically assuring that compliance policies, standards, and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the compliance management system, and a

means for employees or agents to report violations of environmental requirements without fear of retaliation; and

(iv) Procedures for the prompt and appropriate correction of any violations, including any necessary modifications to the regulated entity's program to prevent future violations;

(c) Environmental audit means a systematic, documented, periodic, and objective review of facility operations and practices related to meeting environmental requirements by a regulated entity or by an agent engaged by such regulated entity specifically for the purpose of performing such audit;"; and in line 22 strike "(b)" and insert "(d)".

2. On page 2, line 10, strike "(c)" and insert "(e)"; in line 19 strike "(d)" and insert "(f)"; and strike lines 26 and 27 and insert:

"(g) Violation means a violation which has occurred or may have occurred of an environmental requirement.".

3. On page 3, strike lines 1 through 7.

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

**MR. COORDSEN PRESIDING**

Messrs. Maurstad, Wesely, Mmes. Robak, and Brown 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 14 ayes, 0 nays, and 35 not voting.

Mr. Preister requested a record vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Kiel | Lynch | Thompson |
| Dierks | Hilgert | Landis | Preister | Wesely |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Hudkins | Pedersen, Dw. | Schimek | Vrtiska |
| Bohlke | Jensen | Pederson, D. | Schrock | Wehrbein |
| Bromm | Jones | Peterson, C. | Stuhr | Willhoft |
| Bruning | Kristensen | Schellpeper | Tyson | Witek |
| Elmer | Matzke | | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Raikes | Schmitt | Suttle |
| Coordsen | Janssen | | | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Brashear | Cudaback | Hillman | Robak | Wickersham |
| Brown | Engel | Maurstad | Robinson | Will |

The Preister amendment lost with 10 ayes, 22 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Landis, Jensen, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister offered the following amendment to the Standing Committee amendment:
AM2918
(Amendments to Standing Committee amendments, AM1138)

1. On page 2, line 25, strike "and"; and in line 26 after "(e)" insert "Violation means a violation which has occurred or may have occurred of an environmental requirement; and (f)".
2. On page 9, strike lines 1 through 4.

Mr. Janssen and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

**AMENDMENTS - Print in Journal**

Mr. Preister filed the following amendment to LB 395:
AM2998
(Amendments to Standing Committee amendments, AM1138)

1. Strike sections 3 to 9.
2. On page 1, strike beginning with "assuring" in line 9 through "of" in line 11.
3. On page 2, strike lines 10 through 18; in line 19 strike "(d)" and insert "(c)"; and in line 26 strike "(e)" and insert "(d)".
4. On page 9, line 16 strike "section" through "of".
5. Renumber the remaining sections and correct internal references accordingly.

Mr. Preister filed the following amendment to LB 395:
AM2934
(Amendments to Standing Committee amendments, AM1138)

1. On page 3, line 8 after "audit" insert ", if disclosed in writing to the regulatory agency having regulatory authority within ten days after discovery of the violation and if

such disclosure includes, at a minimum, the information required by subdivisions (1) through (3) of section 10 of this act,"; and strike beginning with "for" in line 14 through "audit" in line 17.

Mr. Preister filed the following amendment to LB 395:
AM2856

(Amendments to Standing Committee amendments, AM1138)

1. On page 1, strike lines 15 through 21 and insert:

"(a) Environmental audit means a systematic, documented, periodic, and objective review of facility operations and practices related to meeting environmental requirements by a regulated entity or by an agent engaged by such regulated entity specifically for the purpose of performing such audit;".

2. On page 2, line 18, after the semicolon insert "and"; in line 25 strike "; and" and insert a period; and strike lines 26 and 27.

3. On page 3, strike lines 1 through 7.

4. On page 7, lines 3 and 20, strike "a voluntary self-evaluation" and insert "an environmental audit".

Mr. Preister filed the following amendment to LB 395:
AM2912

(Amendments to Standing Committee amendments, AM1138)

1. Strike section 7.

2. On page 1, line 13; and page 3, lines 9 and 16, strike "15" and insert "14".

3. On page 3, line 12; and page 5, line 20, strike "9" and insert "8".

4. On page 5, strike beginning with "in" in line 4 through "property" in line 5.

5. On page 5, line 15; and page 7, line 11, strike "10" and insert "9".

6. On page 9, line 6, strike "11" and insert "10"; in line 9 strike "12" and insert "11"; and in line 16 strike "8" and insert "7".

7. Renumber the remaining sections accordingly.

Mr. Preister filed the following amendment to LB 395:
AM3001

(Amendments to Standing Committee amendments, AM1138)

1. Insert the following new section:

"Sec. 13. Any regulatory agency having regulatory authority over an environmental requirement may recover all direct and indirect costs incurred by the agency in carrying out its duties, including, but not limited to, litigation, investigations, hearings, or other activities which may arise under this act. The costs shall be assessed by the agency to the person claiming the confidentiality, privilege, or immunity protections under this act.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Preister filed the following amendment to LB 395:
AM3070

(Amendments to Standing Committee amendments, AM1138)

1. On page 9, line 17, strike "2002" and insert "2000".

Mr. Preister filed the following amendment to LB 395:
AM3069

(Amendments to Standing Committee amendments, AM1138)

1. On page 3, lines 17 and 18, strike "confidentiality protections are given under this section" and insert "protections identified in this subsection are given".

2. On page 6, line 15, strike "confidentiality protection" and insert "protections" and after "by" insert "subsection (1) of"; and in line 16 strike "does" and insert "do".

Messrs. Bromm and Janssen filed the following amendment to LB 822:
AM3060

(Amendments to Standing Committee amendments, AM2743)

1. Insert the following new section:

"Section 1. Section 24-708, Revised Statutes Supplement, 1997, is amended to read:

24-708. (1) Any judge may retire upon reaching the age of sixty-five and upon making application to the board. Upon retiring each such judge shall receive retirement annuities as provided in section 24-710.

(2) A judge may retire upon reaching the age of sixty years and receive the maximum retirement benefit provided in section 24-710 if the judge has qualified for the maximum benefit as provided by such section. A judge who has not qualified for the maximum benefit as provided by such section may retire upon reaching the age of sixty years and receive the retirement annuity provided by such section but shall be subject to a reduction of such annuity by three percent for each year after the judge's sixtieth birthday that is between his or her retirement and his or her sixty-fifth birthday.

(3) A judge may retire upon ~~the attainment of~~ reaching the age of fifty-five years and elect to receive a reduced monthly retirement income in lieu of a deferred vested annuity. The judge may request that the reduced monthly retirement income commence at any date, beginning on the first day of the month following the actual retirement date and ending on the normal retirement date. The amount of the monthly retirement income shall be calculated based on the length of creditable service and average compensation at the actual retirement date and shall be reduced when the payments commence prior to the normal retirement date to an amount

that is actuarially equivalent to the deferred vested annuity payable at the normal retirement date.

~~(3)~~ (4) Payment of any benefit provided under the Judges Retirement Act may not be deferred later than the sixtieth day after the end of the year in which the judge has both ~~attained~~ reached at least age seventy and one-half years and terminated his or her employment as a judge.

~~(4)~~ (5) The effective date of retirement payments shall be the first day of the month following (a) the date a member qualifies for retirement as provided in this section or (b) the date upon which a member's request for retirement is received on an application form provided by the retirement system, whichever is later. An application may be filed no more than ninety days in advance of qualifying for retirement.".

2. On page 5, line 1, after the comma insert "and section 24-708, Revised Statutes Supplement, 1997,".

3. Renumber the remaining sections accordingly.

Mr. Abboud filed the following amendment to LB 204:
AM2785

(Amendments to Corrected Standing Committee amendments, AM2323)

1. Strike amendment 3 and insert the following new amendments:

"1. Insert the following new section:

'Section 1. Section 29-4007, Revised Statutes Supplement, 1996, is amended to read:

29-4007. (1) The court shall provide written notification of the duty to register at the time of sentencing to any defendant who has pleaded guilty or has been found guilty of an offense listed in subdivision (1)(a) of section 29-4003. 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 29-4003 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 Department of Motor Vehicles shall cause written notification of the duty to register to be provided on the applications for a motor vehicle operator's license and for a commercial driver's license. ~~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.'.

4. On page 4, strike lines 1 through 14; and in line 15, strike '29-4009' and insert '29-4007, 29-4009,'.

5. Renumber the remaining sections accordingly.".

2. Renumber the remaining amendments accordingly.

## STANDING COMMITTEE REPORTS
### General Affairs

**LEGISLATIVE BILL 1098.** Placed on General File.

**LEGISLATIVE BILL 1216.** Placed on General File as amended.
Standing Committee amendment to LB 1216:
AM3083

1. On page 5, strike beginning with "The" in line 17 through "federation" in line 18 and insert "Each local governing authority which has a public library within a county participating in a public library federation, in consultation with the library board,".

(Signed) Stan Schellpeper, Chairperson

## MOTION - Print in Journal

Mr. Abboud filed the following motion:
Permit the introduction of new bills by the Business and Labor Committee, Req. 1970 and Req. 1971, pursuant to Rule 5, Section 4(c)2.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 320A.** 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 320, Ninety-fifth Legislature, Second Session, 1998.

## VISITORS

Visitors to the Chamber were Senator Willhoft's wife, Shirley, and 10 members of the Round Table Club from Central City and Lincoln; and 20 high school students from Nebraska School for the Deaf, Omaha.

## ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Preister, the Legislature adjourned until 9:00 a.m., Wednesday, February 11, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TWENTY-THIRD DAY – FEBRUARY 11, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 11, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Dr. F. Cole Fowler, District Superintendent, South Central District Methodist Church, Grand Island, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Robinson who was excused; and Messrs. Abboud, Brashear, Hilgert, Dw. Pedersen, Schellpeper, Wickersham, Will, Mmes. Bohlke, Hillman, and Kiel who were excused until they arrive.

**MR. COORDSEN PRESIDING**

## CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

### 1997 INTERIM REPORT
### ON THE DISPOSITION OF
### INTERIM STUDY RESOLUTIONS

**Agriculture**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 123 | Growth of Livestock Operations | | X | |
| 157 | Meat/Poultry Inspection Program | | X | |
| 158 | Nebraska Tractor Testing Lab | | X | |
| 159 | Rural Economic Development | | X | |

| | | | | |
|---|---|---|---|---|
| 160 | Farm Air Quality | | | X |
| 161 | Nebraska Brand Law | | | X |
| 162 | Host Farm and Ranch Act | | | X |
| 195 | Security Interest on Livestock | | X | |

**Appropriations**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 73 | Nebraska State Patrol and local law enforcement training centers co-location | X | | |
| 143 | High definition TV | | X | |
| 169 | Medicaid projections | | | X |
| 171 | Reimbursement of certain prisoners held in county jails | X | | |
| 184 | DARE program funding | X | | |
| 185 | Court automation system | | X | |
| 284 | Costs of state mental health services | X | | |

**Banking, Commerce and Insurance**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 205 | Managed Care | | X | |
| 207 | Abuse Victims | | X | |
| 209 | Filing System | | X | |
| 215 | Territorial Rates | | | X |
| 250 | Territorial Rates | | | X |
| 210 | Limited Partnership | | | X |
| 154 | Risk Management | | | X |
| 212 | Insurance Agency Contracts | | X | |
| 189 | Insurance Industry | | | X |
| 206 | Risk-bearing Entities | | | X |
| 208 | Savings Bank | | | X |
| 211 | Banking Statutes | | | X |
| 213 | Public Accountancy | | | X |

**Business and Labor**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 141 | Review changes made by LB 757, 1993, to Nebraska Workers' Compensation Act | X | | |
| 132 | Study of the feasibility of LB 765, | | | |

| | | | | |
|---|---|---|---|---|
| | 1997, relating to reducing employer contributions to the Unemployment Trust Fund | | X | |
| 131 | Study of existing law impacting small business | | | X |
| 288 | Study the impact of sub-minimum wages in Nebraska | | X | |
| 281 | Study to examine the reasons behind Nebraska's low wages | | X | |

**Education**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 137 | Study dropout rate | X | | |
| 143 | Study digital television | | X | |
| 149 | Study vocational education | X | | |
| 170 | Study bonded indebted | X | | |
| 175 | Study group medical insurance of schools | | X | |
| 177 | Study the implications of LB 306 | | X | |
| 178 | Study the use of university facilities in research | | | X |
| 181 | Study establishment of a Nebraska Center for Excellence in Electronics | | | X |
| 183 | Study school nursing | | X | |
| 233 | Study mechanism to assess school spending | Pending | | |
| 234 | Study default rate in Student Loans | Pending | | |
| 235 | Study the budgeting process for schools and budget | | | X |
| 238 | Study issues regarding students with disabilities and special education students | | X | |
| 239 | Study of and who has jurisdiction and custody | | X | |
| 252 | Study schools and other governmental units cooperation | | X | |
| 264 | Study core curriculum | Pending | | |
| 267 | Study high ability learners | | X | |
| 285 | Study special education responsibility in medical and educational services | | X | |

**Executive Board**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 301* | Confirmation Process | | | |

* Report will be completed by January 7, 1998

**General Affairs**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 127 | Racing | X | | |
| 128 | Prevention of underage drinking | X | | |
| 129 | Problem or compulsive gambling | X | | |
| 164 | Impact of levy limits on public libraries | X | | |
| 165 | Internet gaming | X | | |
| 291 | Nebraska Liquor Control Commission | X | | |

**Government, Military and Veterans Affairs**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 134 | Structures - airstrips | | | X |
| 140 | Bidding - purchasing | | X | |
| 145 | Fees for service | | | X |
| 156 | Nebraska Register | | | X |
| 204 | State motor vehicles | | X | |
| 251 | Redistricting | | X | |

**Health and Human Services**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 220 | Nebraska Partnership Project | | X | |
| 142 | Juvenile Justice system | | X | |
| 221* | Health and Human Services Issues | | | |
| 219 | Behavioral Mental Health Redesign | | X | |
| 187 | Agencies on aging in Nebraska | | | X |
| 186 | Health care for uninsured children | | X | |
| 188 | Hospital and health care related mergers | | | X |
| 271 | Tobacco licensing system | X | | |
| 183 | Access to school nurses | | X | |

| | | | | |
|---|---|---|---|---|
| 168 | Child and Adult Care Food Program | X | | |
| 192 | Diabetes and reimbursement for equipment and medications | | X | |
| 248 | Screening newborns for metabolic and other disorders | | | X |
| 193 | Reduce disabilities due to osteoporosis | | X | |
| 166* | Acupuncture | | | |

* Ongoing

**Judiciary**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 227 | Domestic violence | X | | |
| 230 | Child support guidelines | X | | |
| 151 | Child support | X | | |
| 182 | Child support | X | | |
| 272 | Post-conviction appeals | X | | |
| 228* | Gang activity | | | |
| 274* | Sexual Predator | | | |
| 279* | Recidivism of sex offenders | | | |
| 275 | Death penalty | X | | |
| 232* | DCS requirements under Administrative Procedure Act | | | |
| 273 | Pawnbrokers statutes | | | X |
| 231* | Civil liability of employers | | | |
| 229 | Uniform Common Interest Ownership Act | | | X |
| 256 | Cooperative arrangements between law enforcement agencies | | | X |
| 67 | Citizen complaint against law enforcement | | | X |
| 280 | Victim-offender mediation | | | X |
| 271 | Tobacco licensing system | | X | |
| 104 | Auto theft statutes | | | X |
| 142 | Examine juvenile system | | X | |
| 150 | Attorneys fees for inaccurate maintained child abuse reports | | | X |
| 136 | Access to adoption records | | | X |
| 277* | Victim notification laws | | | |
| 278 | Landlord-tenant laws | | | X |

* Completed: Report Pending

**Natural Resources**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 123 | Livestock waste | | X | |
| 160 | Air Quality and Agriculture | | | X |
| 172 | NRDs and organization | | | X |
| 179 | NRDs and dispute resolution | | | X |
| 202 | Low-level radioactive waste | | X | |
| 222 | Game and Parks statutes | | X | |
| 223 | Trails funding | | X | |
| 224 | Safe Drinking Water Act | | | X |
| 225 | Leaking underground storage tanks | | X | |
| 226 | Ethanol standards | | X | |
| 240 | Interstate water conflicts | | | X |
| 241 | Emission fee for air pollution | | | X |
| 242 | Plastic recycling | | | X |
| 243 | NRDs and water | | X | |
| 244 | Water Rights transfer | | | X |
| 245 | Tire-derived fuel | | | X |
| 246 | Propane safety | | X | |
| 247 | Cloud seeding | | X | |
| 249 | Vegetative filter strips | | X | |
| 268 | Electric utility service areas | | X | |
| 269 | Niobrara River Management Plans | | | |
| | a. Niobrara Scenic River | | X | |
| | b. Missouri/Niobrara/Verdigre | | | X |
| 270 | Hydrogen sulfide gas | | | X |
| 276 | Renewable Energy | | | X |

**Nebraska Retirement Systems**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 146 | PERB data collection | | X | |
| 147 | Judges Retirement System | X | | |
| 148 | Uniform Benefit Adequacy Standards | | | X |
| 190 | Rule of 85 in the School Employees Retirement System | X | | |
| 194 | C.O.L.A. for State Patrol | X | | |
| 283 | Legislative Supplemental Retirement System | | | X |

**Revenue**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 174 | General property tax relief | X | | |
| 177 | Building fund utilization | | X | |
| 258 | Motor vehicles, LB 271 | | X | |
| 144 and 191 | Local revenue alternatives | X | | |
| 217 and 218 | Consolidation of services | | X | |
| 153 and 176 | Assessment | X | | |
| 259 and 117 | Telecommunications | X | | |
| 257 and 167 | Delinquent property taxes | | | X |
| 135 | Tuition assistance | | | X |
| 180 | Highway Trust Fund | | | X |
| 255 | Economic development | | | X |

**Rules**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 138 | General study of the Rules | | X | |
| 139 | The rule on germane amendments | X | | |
| 163* | Methods of structuring debate | | | |

* Incomplete

**Transportation**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 260 | Implementation and administration of authority delegated to the state pursuant to federal Telecommunications Act of 1996 | X | | |
| 152 | Study to examine the management and associated costs of information technology in state agencies | X | | |
| 262 | Study to examine enactment of legislation which would authorize and recognize use of digital signatures | | X | |

| | | | | |
|---|---|---|---|---|
| 261 | Study relating to the provision of 911 telephone service | X | | |
| 133 | Study of licensing and regulation of passenger carriers by the Public Service Commission | | | X |
| 155 | Study relating to suspension of drivers licenses for failure to maintain proof of financial responsibility | | | X |
| 214 | Study to examine methods to encourage owners of motor vehicles to maintain automobile liability coverage during the entire registration period | | | X |
| 263 | Study of issues relevant to authorization, manufacture and administration of requirements related to motor vehicle license plates | | | X |
| 203 | Study to examine the general philosophy and policy of traffic diversion programs | | | X |
| 254 | Study to examine the city of Lincoln's plans for a south and east beltway from a state perspective | | | X |

**Urban Affairs**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 199 | Natural Gas Rate Regulation | | X | |
| 201 | Cooperation between political subdivisions in providing services | | X | |
| 200 | Housing Authority Statutes | | X | |
| 197 | Review provisions of proposed Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act | | X | |
| 216 | Statutes governing village dissolution | | X | |
| 196 | Law enforcement costs | | | X |
| 265 | Use of differential fees to finance utility facility expansions | | X | |
| 198 | Handicapped parking statutes | | X | |
| 266 | Legislation to license plumbers on a statewide basis through the Department of Health and Human Services | | X | |
| 236 | Use of sirens by municipalities to summon volunteer personnel to respond to emergencies | | X | |

| | | | | |
|---|---|---|---|---|
| 237 | Study matters within the subject matter jurisdiction of the Urban Affairs Committee | | X | |

**Select Committee on LR 282**

| LR | Subject | Completed: Report Issued | Completed: No Report Issued | Deferred |
|---|---|---|---|---|
| 282 | Issues regarding women in Nebraska | | | X |

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 822A.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 822, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

## GENERAL FILE

**LEGISLATIVE BILL 395.** Mr. Preister withdrew his amendment, AM2918, found on page 580.

Mr. Preister renewed his pending amendment, AM2998, found on page 580, to the pending Standing Committee amendment.

Mr. Preister asked unanimous consent to replace his pending amendment, AM2998, found on page 580, with a substitute amendment. No objections. So ordered.

Mr. Preister withdrew his amendment, AM2998, found on page 580.

Messrs. Preister and Kristensen offered the following substitute amendment to the Standing Committee amendment:
AM3098

(Amendments to Standing Committee amendments, AM1138)

1. On page 5, strike beginning with "in" in line 4 through "property" in line 5.
2. On page 9, strike lines 1 through 4.

Mmes. C. Peterson, Witek, and Mr. Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

The Preister-Kristensen amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Preister renewed his pending amendment, AM2934, found on page 580, to the Standing Committee amendment.

Messrs. Dw. Pedersen, Dierks, and Mrs. Robak 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 17 ayes, 0 nays, and 32 not voting.

Mr. Preister requested a record vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | Janssen | Lynch | Schimek | Thompson |
| Hartnett | Landis | Preister | Suttle | Wesely |

Voting in the negative, 23:

| | | | | |
|---|---|---|---|---|
| Beutler | Coordsen | Hudkins | Pederson, D. | Stuhr |
| Bohlke | Crosby | Jensen | Peterson, C. | Vrtiska |
| Bromm | Elmer | Jones | Raikes | Willhoft |
| Brown | Engel | Kristensen | Schrock | Witek |
| Bruning | Hillman | Matzke | | |

Present and not voting, 2:

| | |
|---|---|
| Schmitt | Wehrbein |

Absent and not voting, 1:

Cudaback

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Pedersen, Dw. | Schellpeper | Wickersham |
| Brashear | Kiel | Robak | Tyson | Will |
| Dierks | Maurstad | Robinson | | |

The Preister amendment lost with 10 ayes, 23 nays, 2 present and not voting, 1 absent and not voting, and 13 excused and not voting.

Pending.

The Chair declared the call raised.

## AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendment to LB 1073:
AM3086

(Amendments to Standing Committee amendments, AM2955)

1. On page 8, after line 9, insert:

"(4) If a court finds that the juvenile is within the provisions of subdivision (1) or (2) of section 43-247, the court shall issue an order requiring the Nebraska State Patrol to be notified, in a manner specified by the Superintendent of Law Enforcement and Public Safety, of (a) the identity of the juvenile, (b) the court in which such adjudication was made, (c) the date on which such adjudication was made, (d) the court docket number, and (e) the felony or misdemeanor which was the basis for the adjudication.".

2. On page 39, line 13, after the second comma insert "43-252,".

Mr. Will filed the following amendment to LB 1051:
AM3004

(Amendments to Standing Committee amendments, AM2798)

1. On page 1, line 2, after "records" insert ". For purposes of this section, expunge the conviction from such person's records means a court order sealing the records and prohibiting the disclosure of their existence or their opening except under court order for subsequent convictions".

## NOTICE OF COMMITTEE HEARINGS
### Natural Resources

| | | |
|---|---|---|
| LB 956 | Wednesday, February 18, 1998 | 1:30 p.m. |
| LB 1009 | Wednesday, February 18, 1998 | 1:30 p.m. |
| LB 1144 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1170 | Thursday, February 19, 1998 | 1:30 p.m. |
| LB 1326 | Thursday, February 19, 1998 | 1:30 p.m. |

Thursday, February 19, 1998 1:30 p.m.
Robert D. Coupland - Nebraska Game and Parks Commission

| | | |
|---|---|---|
| LB 1024 | Friday, February 20, 1998 | 1:30 p.m. |

(Signed) Chris Beutler, Chairperson

### Education

| | | |
|---|---|---|
| LB 1331 | Tuesday, February 17, 1998 (cancel) | 1:30 p.m. |
| LB 1331 | Monday, February 23, 1998 (reset) | 1:30 p.m. |

(Signed) Ardyce L. Bohlke, Chairperson

## STANDING COMMITTEE REPORTS
### Urban Affairs

**LEGISLATIVE BILL 611.** Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 978.** Indefinitely postponed.
**LEGISLATIVE BILL 979.** Indefinitely postponed.
**LEGISLATIVE BILL 1230.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 395.** Mr. Preister withdrew his amendment, AM2856, found on page 581.

**MRS. CROSBY PRESIDING**

Mr. Preister renewed his pending amendment, AM2912, found on page 581, to the Standing Committee amendment.

Messrs. Raikes and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister withdrew his amendment.

Mr. Preister renewed his pending amendment, AM3001, found on page 581, to the Standing Committee amendment.

Messrs. Coordsen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Preister amendment lost with 3 ayes, 11 nays, 23 present and not voting, and 12 excused and not voting.

Mr. Preister renewed his pending amendment, AM3070, found on page 582, to the Standing Committee amendment.

Messrs. Wehrbein, Wesely, Lynch, Mrs. Bohlke, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister requested a record vote on his amendment.

Voting in the affirmative, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kiel | Preister | Schmitt |
| Chambers | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Brashear | Hartnett | Jensen | Pedersen, Dw. | Tyson |
| Bromm | Hillman | Jones | Pederson, D. | Wehrbein |
| Bruning | Hudkins | Kristensen | Stuhr | Willhoft |
| Crosby | Janssen | Matzke | Thompson | |

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Schellpeper | Vrtiska | Will |
| Brown | Engel | Schrock | Wickersham | Witek |
| Cudaback | Peterson, C. | Suttle | | |

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Bohlke | Landis | Maurstad | Robak | Schimek |
| Coordsen | Lynch | Raikes | Robinson | Wesely |
| Hilgert | | | | |

The Preister amendment lost with 6 ayes, 19 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Preister withdrew his amendment, AM3069, found on page 582.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 2 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 33 ayes, 2 nays, 5 present and not voting, and 9 excused and not voting.

## ANNOUNCEMENT

Mr. Preister designates LB 1209 as his priority bill.

## STANDING COMMITTEE REPORT
### Judiciary

**LEGISLATIVE BILL 1283.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### General Affairs

| | | |
|---|---|---|
| LB 1043 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1222 | Monday, February 23, 1998 | 1:30 p.m. |

| | | |
|---|---|---|
| LB 1086 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1113 | Monday, February 23, 1998 | 1:30 p.m. |
| LB 1241 | Monday, February 23, 1998 | 1:30 p.m. |

Monday, February 23, 1998 1:30 p.m.
Nebraska Arts Council
Louise "Peppy" Bahr
Ann O'Hara
Gretchen Peters
Gail Yanney

Nebraska Advisory Commission on Compulsive Gambling
John Shybut
Deb Hammond
Mike Wellman

(Signed) Stan Schellpeper, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Wickersham filed the following amendment to LB 1190:
AM3089

1. Insert the following new sections:

"Section 1. Section 66-482, Reissue Revised Statutes of Nebraska, is amended to read:

66-482. For purposes of sections 66-482 to 66-4,149:

(1) Motor vehicle shall have the same definition as in section 60-301;

(2) Motor vehicle fuel shall include all products and fuel commonly or commercially known as gasoline, including casing head or natural gasoline, and shall include any other liquid and such other volatile and inflammable liquids as may be produced, compounded, or used for the purpose of operating or propelling motor vehicles, motorboats, or aircraft or as an ingredient in the manufacture of such fuel. Agricultural ethyl alcohol produced for use as a motor vehicle fuel shall be considered a motor vehicle fuel. Motor vehicle fuel shall not include the products commonly known as methanol, kerosene oil, kerosene distillate, crude petroleum, naphtha, and benzine with a boiling point over two hundred degrees Fahrenheit, residuum gas oil, smudge oil, leaded automotive racing fuel with an American Society of Testing Materials research method octane number in excess of one hundred five, and any petroleum product with an initial boiling point under two hundred degrees Fahrenheit, a ninety-five percent distillation (recovery) temperature in excess of four hundred sixty-four degrees Fahrenheit, an American Society of Testing Materials research method octane number less than seventy, and an end or dry point of distillation of five hundred seventy degrees Fahrenheit maximum;

(3) Agricultural ethyl alcohol shall mean ethyl alcohol

produced from cereal grains or agricultural commodities grown within the continental United States, and for the purpose of sections 66-482 to 66-4,149, the purity of the ethyl alcohol shall be determined excluding denaturant and the volume of alcohol blended with gasoline for motor vehicle fuel shall include the volume of any denaturant required pursuant to law;

(4) Alcohol blend shall mean a blend of agricultural ethyl alcohol in gasoline or other motor vehicle fuel, such blend to contain not less than five percent by volume of alcohol;

(5) Supplier shall mean any person who owns motor vehicle fuel imported by barge, barge line, or pipeline and stored at a barge, barge line, or pipeline terminal in this state and any person who refines and stores motor vehicle fuel at a refinery in this state;

(6) Distributor shall mean any person who acquires ownership of motor vehicle fuel directly from a supplier at or from a barge, barge line, or pipeline terminal in this state;

(7) Wholesaler shall mean any person, other than a supplier, distributor, or importer, who acquires motor vehicle fuel for resale;

(8) Retailer shall mean any person who acquires motor vehicle fuel from a supplier, distributor, wholesaler, or importer for resale to consumers of such fuel;

(9) Importer shall mean any person who owns motor vehicle fuel at the time such fuel enters the State of Nebraska by any means other than barge, barge line, or pipeline. Importer shall not include a person who imports motor vehicle fuel in a tank directly connected to the engine of a motor vehicle, train, watercraft, or airplane for purposes of providing fuel to the engine to which the tank is connected;

(10) Exporter shall mean any person who acquires ownership of motor vehicle fuel from any licensed supplier, distributor, wholesaler, or importer exclusively for use or resale in another state;

(11) Gross gallons shall mean measured gallons without adjustment or correction for temperature or barometric pressure;

(12) Diesel fuel shall mean any fuel defined as diesel fuel in section 66-654;

(13) Compressed fuel shall mean any fuel defined as compressed fuel in section 66-6,100;

(14) Person shall mean any individual, firm, partnership, limited liability company, company, agency, association, corporation, state, county, municipality, or other political subdivision; ~~and~~

(15) Department shall mean the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; and

(16) Semiannual period shall mean either the period which begins on January 1 and ends on June 30 of each year or the period which begins on July 1 and ends on December 31 of each year.

Sec. 3. Section 66-4,141, Reissue Revised Statutes of Nebraska, is amended to read:

66-4,141. (1) Upon receipt of the cost figures required by section 66-4,143, the department shall determine the statewide average cost by dividing the total amount paid for motor vehicle fuel, diesel fuel, and compressed fuel by the State of Nebraska, excluding any state and federal taxes, by the total number of gallons of motor vehicle fuel, diesel fuel, and compressed fuel purchased during the reporting period.

(2) After computing the statewide average cost as required in subsection (1) of this section, the department shall multiply such statewide average cost by the tax rate established pursuant to section 66-4,144.

(3) In making the computations required by subsections (1) and (2) of this section, gallonage reported shall be rounded to the nearest gallon and total costs shall be rounded to the nearest dollar. All other computations shall be made with three decimal places, except that after all computations have been made the tax per gallon shall be rounded to the nearest one-tenth of one cent.

(4) The tax rate per gallon computed pursuant to this section shall be distributed to all licensed motor vehicle fuel suppliers, distributors, wholesalers, and importers, diesel fuel suppliers, distributors, wholesalers, and importers, compressed fuel retailers, and interstate motor vehicle operators who choose to be subject to sections 66-490 to 66-494 at least five days prior to the first day of any ~~calendar quarter~~ semiannual period during which the tax is to be adjusted. Such tax rate shall be utilized in computing the tax due for the period specified by the department.

Sec. 4. Section 66-4,143, Reissue Revised Statutes of Nebraska, is amended to read:

66-4,143. (1) The materiel administrator of the Department of Administrative Services shall on or before the tenth day of the ~~second~~ fifth calendar month following the end of a ~~calendar quarter~~ semiannual period submit to the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue a report providing the total cost and number of gallons of motor vehicle fuel, diesel fuel, and compressed fuel purchased by the State of Nebraska during the preceding month. In providing such information, the materiel administrator shall total only those purchases which were fifty or more gallons and shall separately identify the amount of any state or federal tax which was included in the price paid.

(2) The department shall provide any assistance the materiel administrator may need in performing his or her duties under this section.

Sec. 5. Section 66-4,144, Revised Statutes Supplement, 1997, is amended to read:

66-4,144. (1) In order to insure that an adequate

balance in the Highway Restoration and Improvement Bond Fund is maintained to meet the debt service requirements of bonds to be issued by the commission under subsection (2) of section 39-2223, the Governor may call a meeting of the State Tax Board at any time in advance of the issuance of such bonds. At such meeting, the board shall set the rate of the excise tax imposed by sections 66-4,140, 66-669, and 66-6,108 for each year during which such bonds are outstanding to provide in each such year money equal in amount to not less than one hundred twenty-five percent of such year's bond principal and interest payment requirements. Such rate shall be in addition to the rate of excise tax set pursuant to subsection (2) of this section. Each such rate shall be effective from July 1 of a stated year through June 30 of the succeeding year or during such other period not longer than one year as the board determines to be consistent with the principal and interest requirements of such bonds. Such excise tax rates set pursuant to this subsection may be increased, but such excise tax rates shall not be subject to reduction or elimination unless the board has received from the Nebraska Highway Bond Commission notice of reduced principal and interest requirements for such bonds, in which event the Governor may call a meeting of the board to determine whether the rate or rates shall be changed. The new rate or rates, if any, set by the board shall become effective on the first day of the following ~~calendar quarter~~ semiannual period.

(2) In order to insure that there is maintained an adequate Highway Cash Fund balance to meet expenditures from such fund as appropriated by the Legislature, within fifteen days after the adjournment of each regular session of the Legislature, the board shall set the rate of the excise tax imposed by sections 66-4,140, 66-669, and 66-6,108 which will be effective from July 1 through June 30 of the succeeding year. The rate of excise tax for a given July 1 through June 30 period set pursuant to this subsection shall be in addition to and independent of the rate or rates of excise tax set pursuant to subsection (1) of this section for such period.

(3) The Department of Roads, with assistance from the Department of Revenue, shall prepare and provide the necessary information to each member of the board at least five days before each meeting. Such information shall include, but not be limited to, the unobligated balance in the Highway Cash Fund anticipated on the subsequent June 30, monthly estimates of anticipated receipts to the Highway Cash Fund for the subsequent fiscal year, and the appropriations made from the Highway Cash Fund for the subsequent fiscal year.

(4) The board shall determine the cash and investment balances of the Highway Cash Fund at the beginning of each fiscal year under consideration and the estimated receipts to the Highway Cash Fund from each source which provides at least one million dollars annually to such fund. The board shall then fix the rate

of excise tax in an amount sufficient to meet the appropriations made from the Highway Cash Fund by the Legislature. Such rate shall be set in increments of one-tenth of one percent.

(5) On or before the fifteenth day of each month, the Department of Roads shall provide to each member of the board and the Clerk of the Legislature a report reflecting a comparison of the Highway Cash Fund deposits for the preceding calendar month and fiscal year to date against the projections for the same periods and the limitations of information contained in such report. The projections in the report shall be those last used by the board in setting the excise tax rate for the periods being reviewed. The report shall contain a comparison of actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the remainder of the current fiscal year, as supplied by the Department of Roads to the board, against the appropriation for the current fiscal year. If the accumulative total deposits to the Highway Cash Fund under Chapter 66, articles 4 and 6, for the fiscal year are at any time less than ninety-eight percent or greater than one hundred four percent of the projected deposits for such period or if the actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the current fiscal year, as supplied by the Department of Roads to the board, are less than ninety-eight percent or greater than one hundred four percent of the appropriation for the current fiscal year, the Governor may call a meeting of the board to determine whether the rate shall be changed. If such a change is required, the board shall set the new rate which shall become effective on the first day of the following ~~calendar quarter~~ semiannual period.

(6) Nothing in this section shall be construed to abrogate the duties of the Department of Roads or attempt to change any highway improvement program schedule.".

2. On page 9, line 10, strike "6, 8, 9, and 11" and insert "10, 12, 13, and 15"; in line 14 strike "66-486" and insert "66-482, 66-486, 66-4,141, 66-4,143"; and in line 15 after the last comma insert "and section 66-4,144, Revised Statutes Supplement, 1997,".

3. Renumber the remaining sections accordingly.

Messrs. Bromm, Schellpeper, Matzke, Coordsen, Dw. Pedersen, Elmer, Mmes. Bohlke, C. Peterson, and Thompson filed the following amendment to LB 320:

AM3031

(Amendments to E & R amendments, AM7193)

1. Insert the following new section:

"Sec. 3. Section 60-490, Reissue Revised Statutes of Nebraska, is amended to read:

60-490. Except for ~~operator's~~ operators' licenses issued to persons required to use bioptic or telescopic lenses and persons less than twenty-one years of age, all operators' licenses

contemplated by the Motor Vehicle Operator's License Act ~~shall~~ expire on the licensee's birthday in the first year after issuance in which his or her age is divisible by four. ~~Operator's~~ Operators' licenses issued to persons required to use bioptic or telescopic lenses as provided in section 60-4,118 ~~shall~~ expire annually on the licensee's birthday. An operator's license issued to a person less than twenty-one years of age expires on his or her twenty-first birthday. All state identification cards issued on or after January 1, 1990, except state identification cards issued to minors, ~~shall~~ expire on the cardholder's birthday in the first year after issuance in which his or her age is divisible by four. A state identification card issued to a person less than twenty-one years of age expires on his or her twenty-first birthday. The expiration date shall be stated on each license or card. All licenses and cards which expire under this section may be renewed within a ninety-day period before the expiration date. The holder of a valid operator's license or state identification card may renew his or her license or card prior to the ninety-day period before the expiration date on such license or card if such applicant furnishes proof that he or she will be absent from the state during the ninety-day period prior to such expiration date. A person twenty years of age may apply for and be issued an operator's license or a state identification card within ten days prior to his or her twenty-first birthday.".

2. On page 1, lines 5 and 6; and page 4, lines 4 and 5, strike the new matter and insert "and sections 6, 7, 10, 11, and 12 of this act".

3. On page 2, line 11; and page 10, line 9, strike "5" and insert "6".

4. On page 16, line 26, strike "9" and insert "10".

5. On page 17, line 17, after the first comma insert "60-490,".".

6. Renumber the remaining sections accordingly.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 695A.** Introduced by Cudaback, 36; D. Pederson, 42; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 695, Ninety-fifth Legislature, Second Session, 1998.

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 799. No objections. So ordered.

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LB 1247. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Kathy Eidenmiller from Pleasant Dale; 52 students and teachers from Elkhorn High School; and Senator Cudaback's nephew, Kevin Rumbeck, from Amherst.

The Doctor of the Day was Lynne Holz from Lincoln.

## ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, February 12, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TWENTY-FOURTH DAY – FEBRUARY 12, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 12, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Senator David Landis.

## ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Robinson, and Mrs. C. Peterson who were excused; and Messrs. Abboud, Lynch, Schmitt, Tyson, Will, Mmes. Hillman, Kiel, Robak, Thompson, and Ms. Schimek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

## NOTICE OF COMMITTEE HEARING
**Education**

| | | |
|---|---|---|
| LB 1350 | Tuesday, February 24, 1998 | 1:30 p.m. |

(Signed) Ardyce L. Bohlke, Chairperson

## MESSAGE FROM THE GOVERNOR

February 11, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Commission of Industrial Relations:

APPOINTEE: Jeffrey L. Orr, P.O. Box 1060, Kearney, NE 68848-1060

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## 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.

Robert Mundy - Educational Lands and Funds Board

VOTE: Aye: Senators Bohlke, Wickersham, Suttle, Willhoft, and Stuhr. Nay: None. Absent: Senators Raikes, Beutler, and Brashear.

(Signed) Ardyce L. Bohlke, Chairperson

### MOTION - Approve Appointment

Mr. Hilgert moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 577: Fernando "Butch" Lecuona III - Commissioner, Department of Labor.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Brown | Dierks | Jones | Preister | Suttle |
| Bruning | Engel | Kristensen | Raikes | Thompson |
| Chambers | Hilgert | Matzke | Robak | Wehrbein |
| Coordsen | Hudkins | Maurstad | Schellpeper | Wesely |
| Crosby | Janssen | Pedersen, Dw. | Schrock | Willhoft |
| Cudaback | Jensen | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | Brashear | Elmer | Vrtiska | Witek |
| Bohlke | Bromm | Landis | Wickersham | |

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Kiel | Peterson, C. | Schimek | Tyson |
| Hartnett | Lynch | Robinson | Schmitt | Will |
| Hillman | | | | |

The appointment was confirmed with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 323.** Read. Considered.

LR 323 was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 306.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-504, 13-508, 13-509, 77-1716, 77-1717, 77-1718, 77-1719.01, 77-1719.02, 77-1742, and 77-3445, Reissue Revised Statutes of Nebraska, section 32-559, Revised Statutes Supplement, 1996, and sections 51-201, 51-501, 60-305.15, 60-3001, 60-3002, 60-3004 to 60-3008, 70-651.05, 71-1637, 77-621, 77-623, 77-802, 77-802.01, 77-1504.01, 77-1601, 77-1601.02, 77-1609, 77-1610, 77-1613, 77-1613.01, 77-1616, 77-3442, 77-3443, 77-3444, 77-5007, 77-5030, 79-1003, 79-1018, 79-1018.01, and 80-202, Revised Statutes Supplement, 1997; to change and eliminate limitations, dates, and procedures for determining and certifying tax levies; to change delinquency and due dates for property taxes; to provide for the taxation of assembled motor vehicles; to change motor vehicle tax and fee provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-1601.01, Revised Statutes Supplement, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Hillman | Matzke | Schellpeper |
| Beutler | Coordsen | Hudkins | Maurstad | Schimek |
| Bohlke | Crosby | Janssen | Pedersen, Dw. | Schmitt |
| Brashear | Cudaback | Jensen | Pederson, D. | Schrock |
| Bromm | Dierks | Jones | Preister | Stuhr |
| Brown | Elmer | Kristensen | Raikes | Suttle |
| Bruning | Engel | Landis | Robak | Thompson |

Tyson Wehrbein Wickersham Willhoft Witek
Vrtiska Wesely

Voting in the negative, 1:

Lynch

Excused and not voting, 6:

Hartnett Kiel Peterson, C. Robinson Will
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.

## UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 1041.** Title read. Considered.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: LB 306.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 395.** Placed on Select File as amended.
E & R amendment to LB 395:
AM7202

1. In the Standing Committee amendments, AM1138:

a. On page 1, line 13, strike "(1)"; in line 15 strike "(a)" and insert "(1)"; in line 22 strike "(b)" and insert "(2)"; and in line 23 strike "(i)" and insert "(a)";

b. On page 2, line 7, strike "(ii)" and insert "(b)"; in line 10 strike "(c)" and insert "(3)"; in line 11 strike "(i)" and insert "(a)"; in line 12 strike "(ii)" and insert "(b)"; in line 15 strike "(iii)" and insert "(c)"; in line 19 strike "(d)" and insert "(4)"; and in line 26 strike "(e)" and insert "(5)";

c. On page 7, line 11, before "If" insert "(1)"; in line 15 strike "(1)" and insert "(a)"; in line 19 strike "(2)" and insert "(b)"; in line 20 strike "(3)" and insert "(c)"; and in line 25 strike "(4)" and insert "(d)"; and

d. On page 8, line 1, strike "(5)" and insert "(e)"; in line 3 strike "(6)" and insert "(f)"; in line 4 strike "(7)" and insert "(g)"; in line 6 strike "(3)" and insert "(c)"; in line 7 strike "section" and insert "subsection"; in line 11 before "This" insert "(2)"; in line 15 before "This" insert "(3)"; and in line 19 before "For" insert "(4)".

(Signed) Jon C. Bruning, Chairperson

## NOTICE OF COMMITTEE HEARING
## Health and Human Services

Thursday, February 19, 1998 1:30 p.m.
Joint briefing with Appropriations Committee regarding Nebraska's involvement in tobacco litigation and potential settlement.

(Signed) Don Wesely, Chairperson

## MOTIONS - Print in Journal

Mr. Chambers filed the following motion to LB 939:
Bracket until April 22, 1998.

Mr. Chambers filed the following motion to LB 939:
Return LB 939 to the appropriate committee.

## AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 939:
FA489
Strike the enacting clause.

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the advancement of LB 395 to E & R for review.

(Signed) David I. Maurstad

## GENERAL FILE

**LEGISLATIVE BILL 1041.** Considered.

Mr. Chambers moved to bracket until February 13, 1998.

Mr. Chambers withdrew his motion to bracket.

Standing Committee amendment, AM3050, printed separately and referred to on page 569, was considered.

Mrs. Robak and Mr. Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Pending.

## STANDING COMMITTEE REPORT
## Banking, Commerce and Insurance

**LEGISLATIVE BILL 1194.** Placed on General File as amended.
Standing Committee amendment to LB 1194:
AM3099

1. Insert the following new sections:

"Section 1. Section 81-1307, Revised Statutes Supplement, 1997, is amended to read:

81-1307. The Director of Personnel shall be responsible for the administration of the personnel division. Subject to the review powers of the State Personnel Board, the director shall be responsible for development of recommendations on personnel policy and for development of specific administrative systems and shall have the authority to adopt, promulgate, and enforce rules and regulations pertaining thereto. The director shall be responsible for specific administrative systems including, but not limited to, the following:

(1) Employment Services:

(a) General employment policies and procedures;

(b) Position classification plans;

(c) Job descriptions;

(d) Job specifications;

(e) Salary or pay plans;

(f) Staffing patterns; and

(g) Recruiting of qualified applicants for employment and the maintenance of qualified applicants for employment for all positions in state government;

(2) Personnel Records:

(a) A system of records and statistical reports containing general data on all employees, including current salary levels and such other information as may be required by the operating needs of state departments and agencies and the budget division; and

(b) Standards for the development and maintenance of personnel records to be maintained within operating departments of the state government;

(3) Personnel Management:

(a) Minimum standards for evaluation of employee efficiency and a system of regular evaluation of employee performance;

(b) Administrative guidelines governing such matters as hours of work, promotions, transfers, demotions, probation, terminations, reductions in force, salary actions, and other such matters as may not be otherwise provided for by law;

(c) Administrative policies and general procedural instructions for use by all state agencies relating to such matters as employee benefits, vacation, sick leave, holidays, insurance, sickness and accident benefits, and other employee benefits as the Legislature may from time to time prescribe; and

(d) A system of formally defined relationships between the personnel division and departments and agencies to be covered by the State Personnel System;

(4) Salary and Wage Survey: Measuring, through the use of surveys, the state's comparative level of employee compensation with the labor market;

(5) Staffing Patterns:

(a) Staffing patterns for each department and agency of state government that conform with those authorized by the budget division;

(b) Revisions to staffing patterns of all departments and agencies that have been approved by the budget division;

(c) Merit increases provided for any employee of the state that are the result of positive action by the appropriate supervisor; and

(d) The state's pay plan, as enacted by the Legislature, together with such amendments as may occur, is explained in appropriate handbooks for employees of the state;

(6) Temporary ~~Employee Pool~~ Employees:

(a) The director shall administer ~~a temporary employee applicant pool~~ the Temporary Employee Pool containing applicants from which state agencies can draw when in need of a short-term labor supply; and

(b) State agencies must receive approval from the director before hiring any temporary employee; and

(7) Employee Recognition Program: The director shall administer an employee recognition program for state employees. The program shall serve as the authorized program for honoring state employees for dedicated and quality service to the government of the State of Nebraska.

Sec. 2. The personnel division of the Department of Administrative Services shall provide an annual report to the Clerk of the Legislature. The report shall include the following information based on the prior fiscal year: (1) The number of temporary employees employed by the state; (2) the number of such temporary employees who were eligible for health insurance coverage pursuant to section 84-1601; (3) the number of such temporary

employees who elected coverage; and (4) the average length of health insurance coverage for those temporary employees who elected coverage.".

2. On page 2, line 12, strike "four" and insert "six"; and strike beginning with "one-half" in line 12 through "period" in line 13 and insert "at least twenty hours per week".

3. On page 3, line 16, after "Permanent" insert "and temporary"; in line 17 after "hours" insert "as defined for a permanent employee"; and in line 24 after the comma insert "and section 81-1307, Revised Statutes Supplement, 1997,".

4. Renumber the remaining sections accordingly.

(Signed) David M. Landis, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Nebraska Retirement Systems

LB 532 Friday, February 20, 1998 (Rehearing) 12:00 Noon

Tuesday, March 3, 1998 12:00 Noon
Public Employees Annual Report (PERB), as required by statute

Tuesday, March 10, 1998 12:00 Noon
Compliance Report - SEGAL, as required by statute

(Signed) Ray Janssen, Chairperson

## MESSAGES FROM THE GOVERNOR

February 11, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Power Review Board:

APPOINTEE: Rick A. Morehouse, 615 South Beltline West, P.O. Box 1029, Scottsbluff, NE 69363-1029

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

February 11, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Crime Victims Reparation Committee:

APPOINTEES:
Ron Tussing, Nebraska State Patrol, P.O. Box 94907, Lincoln, NE 68509
Jim Riskowski, 99966 Devonshire Road, Omaha, NE 68114
Catherine Walters, 109 W. 11th Street, Cozad, NE 69310

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## GENERAL FILE

**LEGISLATIVE BILL 1041.** Mr. Chambers offered the following amendment:
FA490
Amend AM3050
P. 33, lines 23, 24; p. 41, line 2;
P. 42, line 25, strike "or voluntary manslaughter"

**MR. WICKERSHAM PRESIDING**

Mr. Kristensen 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 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 2:

Chambers Landis

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Engel | Matzke | Schellpeper | Tyson |
| Bromm | Hillman | Maurstad | Schrock | Wehrbein |
| Brown | Hudkins | Pedersen, Dw. | Stuhr | Wickersham |
| Bruning | Jensen | Pederson, D. | Suttle | Willhoft |
| Crosby | Jones | Raikes | Thompson | Witek |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Hilgert | Preister | Vrtiska |
| Brashear | Elmer | Janssen | Schmitt | Wesely |
| Cudaback | | | | |

Absent and not voting, 1:

Lynch

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hartnett | Kristensen | Robak | Schimek |
| Coordsen | Kiel | Peterson, C. | Robinson | Will |

The Chambers amendment lost with 2 ayes, 25 nays, 11 present and not voting, 1 absent and not voting, and 10 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.

## MR. LANDIS PRESIDING

Mmes. Suttle, Bohlke, Stuhr, Messrs. Abboud, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 1041.

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

Mr. Chambers withdrew his motion to indefinitely postpone.

Mr. Matzke moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for review with 40 ayes, 1 nay, and 8 excused and not voting.

The Chair declared the call raised.

**MOTION - Introduce New Bills**

Mr. Abboud renewed his pending motion, found on page 584, to permit the introduction of new bills by the Business and Labor Committee, Req. 1970 and Req. 1971, pursuant to Rule 5, Section 4(c)2.

The motion prevailed with 32 ayes, 0 nays, 9 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 1362.** Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38.

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 1363.** Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**AMENDMENTS - Print in Journal**

Mr. Beutler filed the following amendment to LB 1041:
FA491
Amend AM3050
On page 35 line 17 strike "or" and substitute "and" therefore

Mr. Will filed the following amendment to LB 309:
AM2816
(Amendments to Standing Committee amendments, AM0767)

1. Strike section 10 and all amendments thereto and insert the following new section:

"Sec. 10. Section 60-6,209, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,209. (1) Any ~~revocation of a person's~~ person whose operator's license has been revoked pursuant to sections 60-6,196, 60-6,197, and 60-6,199 to 60-6,208 for a third or subsequent time for a period of fifteen years may ~~be reduced to the time served~~

~~upon application to the court if the court finds that~~ apply to the Department of Motor Vehicles, on forms prescribed by the department, for the department to make a recommendation to the Board of Pardons for reinstatement of his or her operator's license. Upon receipt of the application, the Director of Motor Vehicles shall review the application and make a recommendation for reinstatement or for denial of reinstatement if such ~~applicant~~ person has served at least ~~five~~ seven years of such revocation. The department may recommend reinstatement if such person shows the following: ~~and that all of the following are shown by the applicant by a preponderance of the evidence:~~

(a) ~~(1) The applicant~~ Such person has completed a state certified substance abuse program ~~of treatment for chemical dependency~~ and is recovering or such person has substantially recovered from the dependency on or tendency to abuse alcohol or drugs;

(b) ~~(2) The applicant~~ Such person has not been convicted, since the date of the revocation order, of any subsequent violations of section 60-6,196 or 60-6,197 or any comparable city or village ordinance and the applicant has not, since the date of the revocation order, submitted to a chemical test under section 60-6,197 that indicated an alcohol concentration in violation of section 60-6,196 or refused to submit to a chemical test under section 60-6,197;

(c) Such person has not been convicted, since the date of the revocation order, of driving while under suspension, revocation, or impoundment under section 60-4,109;

(d) ~~(3) The applicant~~ Such person has abstained from the excessive consumption of alcoholic beverages and the consumption of drugs except at the direction of a licensed physician or pursuant to a valid prescription; and

(e) ~~(4) The applicant's~~ Such person's operator's license is not currently subject to suspension or revocation for any other reason.

~~The court shall forward to the Department of Motor Vehicles a record of any application submitted under this section and the results of the court's disposition of the application.~~

(2) In addition, the Department of Motor Vehicles may require other evidence from such person to show that restoring such person's privilege to drive will not present a danger to the health and safety of other persons using the highways.

(3) Upon review of the application, the Director of Motor Vehicles shall make the recommendation to the Board of Pardons in writing and shall briefly state the reasons for the recommendations. The recommendation shall include the original application and other evidence submitted by such person. The recommendation shall also include any record of any other applications such person has previously filed under this section.

(4) The Department of Motor Vehicles shall promulgate

rules and regulations to govern the procedures for making a recommendation to the Board of Pardons. Such rules and regulations shall include the requirement that the treatment programs and counselors who provide information about such person to the department must be certified by the state.

(5) If the Board of Pardons restores such person's operator's license, such restoration shall be conditioned for the duration of the original revocation period on such person's continued recovery. If such person is convicted of any subsequent offense listed in subdivision (1)(a) or (1)(b) of this section, the restoration of the operator's license shall be withdrawn and such person's operator's license will be revoked by the Department of Motor Vehicles for the time remaining under the original revocation, independent of any sentence imposed by the court and after thirty days written notice to the person by first-class mail at his or her last-known mailing address as shown by the records of the department.

(6) If the Board of Pardons restores a person's operator's license, the board shall notify the Department of Motor Vehicles of the restoration. Such person may have his or her operator's license reinstated by the department upon payment of a fee of ninety-five dollars and the filing of proof of financial responsibility. The fees paid pursuant to this section shall be collected by the department and remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.".

Mr. Brashear filed the following amendment to LB 1128:
AM3029

1. On page 4, line 21; and page 5, line 8, after "class" insert "or metropolitan utilities district".

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 1174.** Placed on General File as amended.
Standing Committee amendment to LB 1174:
AM3115

1. Insert the following new sections:

"Section 1. Section 10-139, Reissue Revised Statutes of Nebraska, is amended to read:

10-139. Any county treasurer or other officer holding any funds of an issuer shall transfer to the issuer or to a paying agent all or such portion of such funds as the governing body or treasurer of the issuer shall request. The county treasurer or officer making payment to the issuer or to a paying agent as requested shall have no further responsibility for the funds so transferred. Any request made under this section shall not require

payments of funds due more frequently than once in any two-calendar-week period.

Sec. 7. Section 77-123, Revised Statutes Supplement, 1997, is amended to read:

77-123. Omitted property means, for the current tax year, any taxable real property that was not assessed on April 1 and any taxable tangible personal property that was not assessed on May 1. Omitted property also means any taxable real or tangible personal property that was not assessed for any prior tax year. Omitted property does not include property exempt under subdivisions (1)(a) through (c) of section 77-202 or listing errors of an item of property on the assessment roll of the county assessor.

Sec. 8. Section 77-202.03, Revised Statutes Supplement, 1997, is amended to read:

77-202.03. (1) A properly granted exemption of real or tangible personal property, except 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.

(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 real property used for cemetery purposes, shall file an affidavit with the county assessor on or before December 31 of the year preceding the year for which the exemption is sought, 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 December 31 deadline for filing the affidavit may file the affidavit by June 30. 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 shall 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 or one hundred dollars, whichever is less, for each calendar month or fraction thereof for which the filing of the affidavit is late.

(3) If any organization or society seeks a tax exemption for any real or tangible personal property acquired on or after January 1 of any year or converted to exempt use on or after January 1 of any year, the organization or society shall make application for exemption on or before August 1 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 and the review by the county board of equalization

shall be completed by August 15.

(4) In any year, the county assessor or the county board of equalization 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 an exemption is warranted, the procedure for hearing set out in section 77-202.02 shall be followed. If an exemption is denied, the county board of equalization shall place the property on the tax rolls retroactive to January 1 of that year if on the date of the decision of the county board of equalization the property no longer qualifies for an exemption.

(5) During the month of September of each year, the county board of equalization 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 Property Tax Administrator.

Sec. 20. Section 77-686, Reissue Revised Statutes of Nebraska, is amended to read:

77-686. The Property Tax Administrator, on or before ~~December 31~~ January 15 of each year, shall certify to the State Treasurer the names of the car line companies and the several amounts of taxes levied under section 77-684.

Sec. 23. Section 77-1214, Revised Statutes Supplement, 1997, is amended to read:

77-1214. It shall be the duty of any county assessor, sheriff, constable, city council member, and village trustee to at once inform the county treasurer of the making or attempted making of any sale, levy of attachment, or removal of tangible personal property known to him or her. It shall be the duty of the county treasurer to forthwith proceed with the collection of the tax when such acts become known to him or her in any manner. Any personal property tax shall be due and collectible, including all tangible personal property then assessed upon which the tax shall be computed on the basis of the last preceding levy, and a distress warrant shall be issued when (1) any person attempts to sell all or a substantial part of his or her tangible personal property, (2) a levy of attachment is made upon tangible personal property, or (3) a person attempts to remove or removes tangible personal property from the county. From the date the taxes are due and collectible, the taxes shall be a first lien upon the personal property of the person to whom assessed until paid.

Sec. 37. Section 77-1504, Revised Statutes Supplement, 1997, is amended to read:

77-1504. The county board of equalization may meet on or

after June 1 and on or before July 25 to consider and correct the current year's assessment of any real property which has been undervalued, overvalued, or omitted. The board shall give notice of the assessed value to the record owner or agent at his or her last-known address.

The county board of equalization in taking action pursuant to this section may consider the ~~report~~ reports of the county assessor pursuant to ~~section~~ sections 77-1315.01 and 77-1317 or any other information known to any member of the board.

Action of the county board of equalization pursuant to this section shall be for the current assessment year only.

The action of the county board of equalization may be protested to the board within thirty days after the mailing of the notice required by this section. If no protest is filed, the action of the board shall be final. If a protest is filed, the county board of equalization shall hear the protest in the manner prescribed in section 77-1502, except that all protests shall be heard and decided on or before September 15.

The action of the county board of equalization upon a protest filed pursuant to this section may be appealed to the Tax Equalization and Review Commission on or before October 15.

Sec. 38. Section 77-1759, Reissue Revised Statutes of Nebraska, is amended to read:

77-1759. The county treasurer shall report and pay over the amount of tax and special assessments due to towns, districts, cities, villages, corporations, and persons, collected by him or her, when demanded by the proper authorities or persons. Any demand made under this section shall not require payments of funds due more frequently than once in any two-calendar-week period.

Sec. 40. Section 77-5001, Revised Statutes Supplement, 1997, is amended to read:

77-5001. Sections 77-5001 to 77-5031 and section 43 of this act shall be known and may be cited as the Tax Equalization and Review Commission Act.

Sec. 41. Section 77-5003, Reissue Revised Statutes of Nebraska, is amended to read:

77-5003. The Tax Equalization and Review Commission is created. The Tax Commissioner has no supervision, authority, or control over the actions or decisions of the commission relating to its duties prescribed by law. The commission shall have three commissioners, one from each congressional district, who are appointed by the Governor with the approval of a majority of the members of the Legislature. One of the commissioners shall be designated by the Governor as chairperson.

The term of the commissioner from district 1 expires two years after the first appointment under this section, the term of the commissioner from district 2 expires four years after the first appointment under this section, and the term of the commissioner from district 3 expires six years after the first appointment under

this section. After the initial terms are completed, each term shall be for six years. Upon the expiration of his or her term of office, a commissioner shall continue to serve until his or her successor has been appointed. ~~and shall expire on a staggered basis every two years.~~

A commissioner may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and a public hearing unless notice and hearing are expressly waived in writing by the commissioner.

Sec. 42. Section 77-5005, Reissue Revised Statutes of Nebraska, is amended to read:

77-5005. (1) Within ten days after appointment, the commissioners shall meet at their office in Lincoln, Nebraska, and enter upon the duties of their office.

(2) A majority of the commission shall at all times constitute a quorum to transact business, and one vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

(3) Any investigation, inquiry, or hearing held or undertaken by the commission may be held or undertaken by or before any one commissioner with the approval of the commission.

(4) When holding hearings pursuant to sections 77-5016, 77-5024, and 77-5026, the commission may, after hearing the evidence and argument on the record, recess to closed deliberations for the limited purpose of deciding the matter before it notwithstanding sections 84-1408 to 84-1414. After deliberating, the commission shall issue its final decision, accompanied by findings of fact and conclusions of law, in writing or on the record.

(5) All investigations, inquiries, hearings, and decisions of a commissioner and every order made by a commissioner when approved and confirmed by a quorum of the commission, if so shown on its record of proceedings, shall be deemed to be the order of the commission.

Sec. 43. In appeals by a county assessor in his or her official capacity pursuant to section 77-5007, the county assessor may request that the district court appoint an attorney to represent the county assessor before the commission. Upon a showing of good cause, the district court may make such an appointment by an order to be entered upon the minutes of the court. Any attorney so appointed shall receive no compensation from the county except as provided for in section 23-1204.01.

Sec. 44. Section 77-5009, Reissue Revised Statutes of Nebraska, is amended to read:

77-5009. (1) The commission may employ legal, clerical, and other assistants as may be necessary to carry out the powers and duties of the commission.

(2)(a) For purposes of finding facts or in the performance of other duties with regard to any matters relating to

taxation, the commission may appoint by an order in writing a special master or special masters whose duties are prescribed in the order.

(b) Special masters may be paid a salary or fee in the discretion of the commission. If a salary is paid, the amount paid shall be fixed by the commission, and if a fee is paid, the amount paid shall be in accordance with the value of the service rendered and shall be agreed upon and approved by the commission before the special master renders service under his or her appointment.

(c) The claim for services rendered shall be certified by the commission and paid as provided by law for other claims against the state.

(3) In the discharge of his or her duties a special master shall have all the investigative and factfinding powers of the commission in deciding any tax dispute.

(4)(a) The commission may conduct a number of factfindings contemporaneously through different special masters and may delegate to a special master the taking of all testimony bearing upon any investigation or hearing.

(b) The decision of the commission shall be based upon its examination of all testimony and records.

(c) The recommendations made by any special master shall be advisory only and shall not preclude the taking of further testimony if the commission orders further investigation.

Sec. 46. Section 77-5013, Reissue Revised Statutes of Nebraska, is amended to read:

77-5013. The person filing an appeal with the commission shall pay a filing fee of twenty-five dollars, except that there shall be no filing fee for a county assessor filing in his or her official capacity.".

2. On page 20, line 1, strike "The" and insert "Commencing with the expiration of the term of the Property Tax Administrator holding office on the operative date of this section, the"; in line 13 after the period insert "Rules and regulations of the Property Tax Administrator in effect on the operative date of this section shall be valid rules and regulations of the Department of Property Taxation beginning on the operative date of this section."; and strike beginning with "Whenever" in line 23 through line 25.

3. On page 21, strike beginning with "The" in line 4 through line 8.

4. Correct the repealer and operative date section so that sections 40, 42, 43, and 46 added by this amendment become operative on June 1, 1998, and the other sections added by this amendment become operative on July 1, 1998.

5. On page 39, line 28, strike "section is" and insert "sections are".

6. On page 40, line 2, strike "and 77-1325" and insert "77-1325, and 77-1736.08".

7. Renumber the remaining sections and correct internal references accordingly.

(Signed) William R. Wickersham, Chairperson

**Transportation**

**LEGISLATIVE BILL 909.** Placed on General File.
**LEGISLATIVE BILL 1264.** Placed on General File.

**LEGISLATIVE BILL 1187.** Placed on General File as amended.
Standing Committee amendment to LB 1187:
AM3118

1. On page 4, line 18, strike "ten", show as stricken, and insert "thirty".

**LEGISLATIVE BILL 1207.** Placed on General File as amended.
Standing Committee amendment to LB 1207:
AM3117

1. On page 2, line 10, strike beginning with "with" through "tons"; strike beginning with "The" in line 15 through line 16, show as stricken, and insert "Each initial and renewal application shall be accompanied by a fee of"; strike beginning with "upon" in line 24 through the period in line 25, show as stricken, and insert an underscored period.

(Signed) Curt Bromm, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 1162.** Placed on General File.
**LEGISLATIVE BILL 1201.** Placed on General File.
**LEGISLATIVE BILL 1245.** Placed on General File.
**LEGISLATIVE BILL 1282.** Placed on General File.

(Signed) David M. Landis, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 204. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 1041. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Kent Sinram, Ron Rockenbach, and Leo Kirk; Senator Lynch's daughter, son-in-law, and grandson, Debby, John, and Kyle

LeMay, and a group of Scouts; and Loren Laun from Hastings.

The Doctor of the Day was Leon Books from Broken Bow.

## ADJOURNMENT

At 11:50 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Friday, February 13, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TWENTY-FIFTH DAY - FEBRUARY 13, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 13, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Ronald Nuss-Warren, First Presbyterian Church, Scottsbluff, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Lynch, Maurstad, Robinson, and Mrs. C. Peterson who were excused; and Messrs. Abboud, Beutler, Bromm, Landis, Matzke, Raikes, Schrock, Will, Mmes. Brown, Kiel, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 1998, was the following bill: LB 306.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## MESSAGE FROM THE GOVERNOR

February 12, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 306 was received in the Governor's Office on February 12, 1998.

As acting Governor, I signed this bill on February 12, 1998; and delivered it to the Secretary of State.

Sincerely,
(Signed) Kim M. Robak
Acting Governor/Lieutenant Governor

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 12, 1998, 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

Beardsley, Daniel P. - Washington, DC; Infiltrator Systems, Inc.
Belcher, Barbara N. - Overland Park, KS; Merck & Company, Human Health Division
Bredthauer, Trudy - Omaha; Nebraska Methodist Health System, Inc.; Omaha Public Schools
Frazier, Lawrence A. (Deceased 02/08/98) - Lincoln; Farmers Mutual Company of Nebraska
Merrill, Marsha - Lincoln; Alliance for Mentally Ill
Moors, Jack H. - Lincoln; Cargill, Inc.
O'Hara & Associates, Inc.
O'Hara, Paul V. - Lincoln; Allegiance Healthcare Corporation
Quirk, Deb Hardin - Lincoln; Nebraska Democratic Party
Skochdopole, Robert A. - Omaha; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)

## MESSAGE FROM THE GOVERNOR

February 12, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Board of Educational Lands and Funds:

APPOINTEES:
Margaretha Kloepping, 1705 Avenue H, Cozad, NE 69130
John D. Feller, Beemer, NE 68716

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## REPORTS

The following reports were received by the Legislature:

**Ethanol Board, Nebraska**
Ethanol Producer Incentive Cash Fund, Ethanol Production Credit Summary, and Ethanol Producer Incentive Cash Fund - Cash Flow Projection

**Investment Finance Authority, Nebraska (NIFA)**
General Obligation Bonds
Single Family Issue - Series A and B

**Law Enforcement and Criminal Justice, Nebraska Commission on**
Crime Victim's Reparations Program (CVR), Victims of Crime Act Program (VOCA), and Stop Violence Against Women Act Program (VAWA) Report

**Roads, Department of**
Highway Cash Fund and Roads Operation Cash Fund for January 1998

**Rural Development Commission, Nebraska**
Annual Report

## GENERAL FILE

**LEGISLATIVE BILL 320A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

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

**LEGISLATIVE BILL 695A.** 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.

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

**LEGISLATIVE BILL 822A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 4 present and not voting, and 17 excused and not voting.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 323.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 892.**

A BILL FOR AN ACT relating to energy efficiency loans; to amend section 81-1634, Revised Statutes Supplement, 1996; to eliminate provisions which terminated June 30, 1996; to harmonize provisions; to repeal the original section; and to outright repeal sections 81-1632 and 81-1633, 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, 34:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Janssen | Robak | Tyson |
| Beutler | Dierks | Jones | Schellpeper | Vrtiska |
| Brashear | Elmer | Kristensen | Schimek | Wesely |
| Bruning | Engel | Matzke | Schmitt | Wickersham |
| Chambers | Hilgert | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Hillman | Pederson, D. | Suttle | Witek |
| Crosby | Hudkins | Preister | Thompson | |

Voting in the negative, 0.

Present and not voting, 1:

Bohlke

Excused and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Raikes | Wehrbein |
| Brown | Kiel | Maurstad | Robinson | Will |
| Hartnett | Landis | Peterson, C. | Schrock | |

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 cities; to amend section 19-601, Reissue Revised Statutes of Nebraska; to eliminate a definition of "this act"; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Janssen | Robak | Thompson |
| Beutler | Dierks | Jones | Schellpeper | Tyson |
| Bohlke | Elmer | Kristensen | Schimek | Vrtiska |
| Brashear | Engel | Matzke | Schmitt | Wesely |
| Bruning | Hilgert | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Hillman | Pederson, D. | Stuhr | Willhoft |
| Coordsen | Hudkins | Preister | Suttle | Witek |
| Crosby | | | | |

Voting in the negative, 0.

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Raikes | Wehrbein |
| Brown | Kiel | Maurstad | Robinson | Will |
| Hartnett | Landis | Peterson, C. | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 894.**

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1105, 8-1113, 8-1116, 8-1117, 8-1121, 8-1122, and 70-734, Reissue Revised Statutes of Nebraska; to eliminate references to a repealed section; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Coordsen | Dierks | Hilgert |
| Beutler | Bruning | Crosby | Elmer | Hillman |
| Bohlke | Chambers | Cudaback | Engel | Hudkins |

| | | | | |
|---|---|---|---|---|
| Janssen | Pederson, D. | Schimek | Suttle | Wesely |
| Jones | Preister | Schmitt | Thompson | Wickersham |
| Kristensen | Robak | Schrock | Tyson | Willhoft |
| Matzke | Schellpeper | Stuhr | Vrtiska | Witek |
| Pedersen, Dw. | | | | |

Voting in the negative, 0.

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Raikes | Wehrbein |
| Brown | Kiel | Maurstad | Robinson | Will |
| Hartnett | Landis | Peterson, C. | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 895.**

A BILL FOR AN ACT relating to water appropriations; to repeal a section that terminated on December 31, 1996; and to outright repeal section 46-229.06, 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, 35:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Hudkins | Preister | Thompson |
| Beutler | Cudaback | Janssen | Schellpeper | Tyson |
| Bohlke | Dierks | Jones | Schimek | Vrtiska |
| Brashear | Elmer | Kristensen | Schmitt | Wesely |
| Bruning | Engel | Matzke | Schrock | Wickersham |
| Chambers | Hilgert | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Hillman | Pederson, D. | Suttle | Witek |

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Raikes | Wehrbein |
| Brown | Kiel | Maurstad | Robinson | Will |
| Hartnett | Landis | Peterson, C. | | |

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 ground water conservation districts; to amend sections 2-3201, 2-3202, 2-3212.01, 2-3219, 2-3222, 2-3226, 2-3233, and 2-3234, Reissue Revised Statutes of Nebraska, and section 32-608, Revised Statutes Supplement, 1997; to repeal provisions that terminated April 1, 1997; to harmonize provisions; to repeal the original sections; and to outright repeal sections 46-614 to 46-628, 46-631, 46-632, and 46-634, Reissue Revised Statutes of Nebraska, and sections 46-629, 46-630, and 46-656.24, Revised Statutes Supplement, 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, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Janssen | Robak | Tyson |
| Beutler | Cudaback | Jones | Schellpeper | Vrtiska |
| Bohlke | Dierks | Kristensen | Schimek | Wehrbein |
| Brashear | Elmer | Landis | Schmitt | Wesely |
| Brown | Engel | Matzke | Schrock | Wickersham |
| Bruning | Hilgert | Pedersen, Dw. | Stuhr | Willhoft |
| Chambers | Hillman | Pederson, D. | Suttle | Witek |
| Coordsen | Hudkins | Preister | Thompson | |

Voting in the negative, 0.

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Peterson, C. | Robinson |
| Hartnett | Kiel | Maurstad | Raikes | Will |

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 the Housing Code Task Force; to repeal provisions that terminated on December 31, 1996; and to outright repeal section 58-710, Revised Statutes Supplement, 1997.

Whereupon the 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 | Beutler | Bohlke | Brashear | Brown |

| | | | | |
|---|---|---|---|---|
| Bruning | Engel | Landis | Schimek | Vrtiska |
| Chambers | Hilgert | Matzke | Schmitt | Wehrbein |
| Coordsen | Hillman | Pedersen, Dw. | Schrock | Wesely |
| Crosby | Hudkins | Pederson, D. | Stuhr | Wickersham |
| Cudaback | Janssen | Preister | Suttle | Willhoft |
| Dierks | Jones | Robak | Thompson | Witek |
| Elmer | Kristensen | Schellpeper | Tyson | |

Voting in the negative, 0.

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Peterson, C. | Robinson |
| Hartnett | Kiel | Maurstad | Raikes | Will |

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 the Nebraska Trauma Systems Development Act; to amend section 71-8236, Revised Statutes Supplement, 1997; to repeal provisions relating to a board that terminated on January 1, 1996; to harmonize provisions; to repeal the original section; and to outright repeal sections 71-5166 to 71-5171, 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 | Crosby | Janssen | Robak | Thompson |
| Beutler | Cudaback | Jones | Schellpeper | Tyson |
| Bohlke | Dierks | Kristensen | Schimek | Vrtiska |
| Brashear | Elmer | Landis | Schmitt | Wehrbein |
| Brown | Engel | Matzke | Schrock | Wesely |
| Bruning | Hilgert | Pedersen, Dw. | Stuhr | Wickersham |
| Chambers | Hillman | Pederson, D. | Suttle | Witek |
| Coordsen | Hudkins | Preister | | |

Voting in the negative, 0.

Present and not voting, 1:

Willhoft

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Hartnett | Jensen | Kiel | Lynch |

| | | | | |
|---|---|---|---|---|
| Maurstad | Peterson, C. | Raikes | Robinson | Will |

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 the Nebraska Highway-Rail Crossing Safety Committee; to repeal provisions that terminated on January 1, 1997; and to outright repeal sections 74-1324 to 74-1328, 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 | Crosby | Janssen | Schellpeper | Tyson |
| Beutler | Cudaback | Jones | Schimek | Vrtiska |
| Bohlke | Dierks | Kristensen | Schmitt | Wehrbein |
| Brashear | Elmer | Landis | Schrock | Wesely |
| Brown | Engel | Matzke | Stuhr | Wickersham |
| Bruning | Hilgert | Pedersen, Dw. | Suttle | Willhoft |
| Chambers | Hillman | Pederson, D. | Thompson | Witek |
| Coordsen | Hudkins | Robak | | |

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Peterson, C. | Robinson |
| Hartnett | Kiel | Maurstad | Raikes | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 900.** With Emergency.

A BILL FOR AN ACT relating to crimes; to amend section 28-105, Revised Statutes Supplement, 1997; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Janssen | Robak | Tyson |
| Beutler | Cudaback | Jones | Schellpeper | Vrtiska |
| Bohlke | Dierks | Kristensen | Schimek | Wehrbein |
| Brashear | Elmer | Landis | Schmitt | Wesely |
| Brown | Engel | Matzke | Schrock | Wickersham |
| Bruning | Hilgert | Pedersen, Dw. | Stuhr | Willhoft |
| Chambers | Hillman | Pederson, D. | Suttle | Witek |
| Coordsen | Hudkins | Preister | Thompson | |

Voting in the negative, 0.

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Peterson, C. | Robinson |
| Hartnett | Kiel | Maurstad | Raikes | 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 901.**

A BILL FOR AN ACT relating to zoning; to amend sections 19-907, 19-911, and 84-155, Reissue Revised Statutes of Nebraska; to transfer a section; 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 | Robak | Tyson |
| Beutler | Cudaback | Jones | Schellpeper | Vrtiska |
| Bohlke | Dierks | Kristensen | Schimek | Wehrbein |
| Brashear | Elmer | Landis | Schmitt | Wesely |
| Brown | Engel | Matzke | Schrock | Wickersham |
| Bruning | Hilgert | Pedersen, Dw. | Stuhr | Willhoft |
| Chambers | Hillman | Pederson, D. | Suttle | Witek |
| Coordsen | Hudkins | Preister | Thompson | |

Voting in the negative, 0.

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Peterson, C. | Robinson |
| Hartnett | Kiel | Maurstad | Raikes | Will |

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 902.**

A BILL FOR AN ACT relating to the Legislature; to eliminate statutes found unconstitutional; and to outright repeal sections 50-129 and 50-130, 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 | Crosby | Janssen | Robak | Tyson |
| Beutler | Cudaback | Jones | Schellpeper | Vrtiska |
| Bohlke | Dierks | Kristensen | Schimek | Wehrbein |
| Brashear | Elmer | Landis | Schmitt | Wesely |
| Brown | Engel | Matzke | Schrock | Wickersham |
| Bruning | Hilgert | Pedersen, Dw. | Stuhr | Willhoft |
| Chambers | Hillman | Pederson, D. | Suttle | Witek |
| Coordsen | Hudkins | Preister | Thompson | |

Voting in the negative, 0.

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Peterson, C. | Robinson |
| Hartnett | Kiel | Maurstad | Raikes | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 903.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-117 and 60-314, Reissue Revised Statutes of Nebraska, section 60-1401.02, Revised Statutes Supplement, 1996, and section 60-1411.01, Revised Statutes Supplement, 1997; to eliminate "this act" and chapter references; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-101, 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 | Brashear | Chambers | Cudaback | Engel |
| Beutler | Brown | Coordsen | Dierks | Hilgert |
| Bohlke | Bruning | Crosby | Elmer | Hillman |

| | | | | |
|---|---|---|---|---|
| Hudkins | Pedersen, Dw. | Schmitt | Thompson | Wesely |
| Jones | Pederson, D. | Schrock | Tyson | Wickersham |
| Kristensen | Preister | Stuhr | Vrtiska | Willhoft |
| Landis | Robak | Suttle | Wehrbein | Witek |
| Matzke | Schellpeper | | | |

Voting in the negative, 0.

Present and not voting, 2:

Janssen Schimek

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Peterson, C. | Robinson |
| Hartnett | Kiel | Maurstad | Raikes | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 904.**

A BILL FOR AN ACT relating to schools; to amend section 79-1187, Revised Statutes Supplement, 1997; to eliminate statutory references to the Special Education Accountability Commission which terminated September 1, 1996; to repeal the original section; and to outright repeal sections 79-1112, 79-1179, 79-1180, and 79-1183, Reissue Revised Statutes of Nebraska, and sections 79-1181 and 79-1182, Revised Statutes Supplement, 1997.

Whereupon the 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 | Janssen | Schellpeper | Tyson |
| Beutler | Cudaback | Jones | Schimek | Vrtiska |
| Bohlke | Dierks | Landis | Schmitt | Wehrbein |
| Brashear | Elmer | Matzke | Schrock | Wesely |
| Brown | Engel | Pedersen, Dw. | Stuhr | Wickersham |
| Bruning | Hilgert | Pederson, D. | Suttle | Willhoft |
| Chambers | Hillman | Preister | Thompson | Witek |
| Coordsen | Hudkins | Robak | | |

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Jensen | Lynch | Peterson, C. | Robinson |
| Hartnett | Kiel | Maurstad | Raikes | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## STANDING COMMITTEE REPORT
## Education

**LEGISLATIVE BILL 1134.** Placed on General File as amended.
(Standing Committee amendment, AM3137, 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 L. Bohlke, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 611.** Title read. Considered.

Mr. Chambers offered the following amendment:
FA492
Page 2, line 17, beginning with "This", strike all language through "character" in line 2.

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Chambers amendment was adopted with 26 ayes, 5 nays, 9 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.

Advanced to E & R for review with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

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

**LEGISLATIVE BILL 204.** Title read. Considered.

Standing Committee amendment, AM2323, found on page 2130, First Session, 1997, was considered.

Mr. Abboud renewed his pending amendment, AM2785, found on page 583, to the Standing Committee amendment.

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

The Abboud amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Mr. Abboud withdrew his motion, found on page 370, to suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and vote on the advancement of LB 204 without further amendment, motion, or debate.

Mr. Beutler offered the following amendment:
FA493
On page 2, line 23 strike the words "The Attorney General and"

The Beutler 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 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

## STANDING COMMITTEE REPORT
### Transportation

**LEGISLATIVE BILL 998.** Placed on General File as amended.
Standing Committee amendment to LB 998:
AM3054

1. On page 13, line 19, after "per" insert "requested";
and in line 20 strike "not to exceed" and insert ", except that the fee for a batch request for one thousand or more effective financing statements shall be".

2. On page 16, line 28, after "For" insert "batch requests for".

3. On page 17, line 4, strike the first "for"; and in line 6 after "fee" insert "not to exceed five hundred twenty dollars".

4. On page 26, strike beginning with "not" in line 17 through "exceed" in line 18 and insert ", except that the fee for a batch request for one thousand or more lien records shall be".

(Signed) Curt Bromm, Chairperson

## MOTION - Print in Journal

Mr. Abboud filed the following motion to LB 611:
To indefinitely postpone.

## ANNOUNCEMENT

The Appropriations Committee designates LB 988 as its priority bill.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, and 904.

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 309.** Title read. Considered.

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

Standing Committee amendment, AM0767, printed separately and referred to on page 996, First Session, 1997, was considered.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
(FA495 is sections 1, 2, 3, 4, 5, 6, 7, and 24 of the Standing Committee amendment.)

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

Mr. Beutler offered the following amendment to the first Standing Committee amendment:
FA499
Amend FA495
On page 2 line 11 change "five" to "three"

Mr. Schellpeper asked unanimous consent to be excused. No objections. So

ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Bromm requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Landis | Stuhr | Wesely |
| Bohlke | Elmer | Dw. Pedersen | Suttle | Wickersham |
| Bromm | Hillman | Robak | Thompson | Will |
| Chambers | Kristensen | Schimek | Tyson | Willhoft |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Hudkins | Preister | Vrtiska |
| Brown | Engel | Matzke | Raikes | Wehrbein |
| Bruning | Hilgert | Pederson, D. | Schrock | Witek |
| Crosby | | | | |

Present and not voting, 2:

| | |
|---|---|
| Jones | Schmitt |

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Brashear | Janssen | Kiel | Maurstad | Robinson |
| Coordsen | Jensen | Lynch | Peterson, C. | Schellpeper |
| Hartnett | | | | |

The Beutler amendment lost with 20 ayes, 16 nays, 2 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA500
Amend FA495
P. 8 line 17, strike all language through line 27;
Page 9, strike all language in lines 1-27;
Page 10, strike all language in lines 1-13.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Pending.

## STANDING COMMITTEE REPORTS
### Agriculture

**LEGISLATIVE BILL 1047.** Placed on General File.

**LEGISLATIVE BILL 1205.** Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Agriculture

| | | |
|---|---|---|
| LB 1265 | Tuesday, February 24, 1998 | 1:30 p.m. |
| LB 1172 | Tuesday, February 24, 1998 | 1:30 p.m. |

(Signed) Merton L. Dierks, Chairperson

### Nebraska Retirement Systems

| | | |
|---|---|---|
| LB 1313 | Tuesday, February 24, 1998 | 12:00 noon |

Tuesday, February 24, 1998 12:00 noon
Public Employees Retirement Board
Carol Kontor

(Signed) Ray Janssen, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and appointments:

| LB | Committee |
|---|---|
| 1362 | Business and Labor |
| 1363 | Business and Labor |

Feller, John D. - Nebraska Board of Educational Lands and Funds -- Education

Kloepping, Margaretha - Nebraska Board of Educational Lands and Funds -- Education

Morehouse, Rick A. - Nebraska Power Review Board -- Natural Resources

Orr, Jeffrey L. - Nebraska Commission of Industrial Relations -- Business and Labor

Riskowski, Jim - Nebraska Crime Victims Reparation Committee -- Judiciary

Tussing, Ron - Nebraska Crime Victims Reparation Committee -- Judiciary

Walters, Catherine - Nebraska Crime Victims Reparation Committee -- Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 1998, at 11:15 a.m., were the following bills: LBs 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, and 904.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## AMENDMENT - Print in Journal

Messrs. Brashear, Dw. Pedersen, Kristensen, and Landis filed the following amendment to LB 404:
AM3139

1. Strike the original sections and all amendments thereto and insert the following sections:

"Section 1. Section 24-301.02, Reissue Revised Statutes of Nebraska, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams,

Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be ~~fourteen~~ seventeen judges of the district court. ~~Before July 1, 1996, in the third district there shall be six judges of the district court, and on and after July 1, 1996, in~~ In the third district there shall be seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the second and fifth districts there shall be four judges of the district court. In the first, sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Sec. 2. 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~~ fourteen 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. 3. Section 43-2,119, Revised Statutes Supplement, 1996, is amended to read:

43-2,119. (1) The number of judges of the separate juvenile court in counties which have established a separate juvenile court shall be:

(a) ~~Before July 1, 1996, one judge~~ Two judges 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~~ Before July 1, 1999, two judges in counties having at least two hundred thousand inhabitants but less than four hundred thousand inhabitants, and on and after July 1, 1999, three judges in such counties; and

(c) ~~Before July 1, 1997, three~~ Four 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 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. 4. This act becomes operative on July 1, 1998.

Sec. 5. Original sections 24-301.02 and 24-503, Reissue Revised Statutes of Nebraska, and section 43-2,119, Revised Statutes Supplement, 1996, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

## VISITORS

Visitors to the Chamber were Sarah Nuss-Warren from Scottsbluff; Dr. George E. and Nancy Uhlig from Mobile, Alabama and Robert Boll and

Ellen Zimmerman from Plainville, Kansas; and Senator Matzke's grandchildren, Sloan and Jered Matzke from Seward.

The Doctor of the Day was Jay Matzke from Seward.

## ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Bromm, the Legislature adjourned until 9:00 a.m., Tuesday, February 17, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TWENTY-SIXTH DAY - FEBRUARY 17, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 17, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

### PRAYER

The prayer was offered by Pastor Edwin Anderson, Good Shepard Baptist Church, Omaha, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Hartnett and Lynch who were excused; and Messrs. Abboud, Beutler, Dierks, Landis, Matzke, Wehrbein, Wickersham, Will, Mmes. Kiel, Thompson, and Witek who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

### MOTION - Approve Appointment

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointment found on page 608: Robert Mundy - Educational Lands and Funds Board.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Kristensen | Schellpeper | Suttle |
| Brashear | Engel | Maurstad | Schimek | Tyson |
| Bruning | Hillman | Pedersen, Dw. | Schmitt | Vrtiska |
| Chambers | Janssen | Peterson, C. | Schrock | Wesely |
| Coordsen | Jensen | Robak | Stuhr | Willhoft |
| Crosby | | | | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Cudaback | Hudkins | Pederson, D. | Raikes |
| Brown | Hilgert | Jones | Preister | Robinson |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Lynch | Wehrbein | Will |
| Beutler | Kiel | Matzke | Wickersham | Witek |
| Dierks | Landis | Thompson | | |

The appointment was confirmed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 629.** E & R amendment, AM7187, found on page 401, was adopted.

Mrs. Witek renewed her pending amendment, AM3023, found on page 552.

The Witek 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 834.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 320.** E & R amendment, AM7193, printed separately and referred to on page 471, was adopted.

Mr. Beutler withdrew his amendments, AM2884 and AM2885, found on page 440.

Mr. Chambers renewed his pending amendment, AM3017, found on page 552.

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

Mr. Chambers requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Chambers amendment is as follows:
FA501

(Amendments to E & R amendments, AM7193)

1. Insert the following new sections:

"Sec. 8. Section 60-4,124, Reissue Revised Statutes of

Nebraska, is amended to read:

60-4,124. A person who is younger than sixteen years of age but is over fourteen years of age may be issued, by the county treasurer, a school permit to drive a motor vehicle, moped, or motorcycle to and from where he or she attends school by the nearest highway from his or her place of residence if such person lives a distance of one and one-half miles or more from such school and either resides outside a city of the metropolitan, primary, or first class or attends a school which is outside a city of the metropolitan, primary, or first class. A school permit shall be used for the sole purpose of transporting such person or any family member who resides with such person to attend school, except that the holder of the permit may drive under the personal supervision of his or her parents or guardian. A school permit shall not be issued until such person has appeared before an examiner to demonstrate that he or she is capable of successfully operating a motor vehicle, moped, or motorcycle and has in his or her possession an examiner's certificate authorizing the county treasurer to issue a school permit.

Any such person desiring a school permit may first obtain an LPE-learner's permit from the county treasurer, which permit shall be valid for a period of two months. An LPE-learner's permit shall not be issued until such person demonstrates that he or she has sufficient powers of eyesight to safely operate a motor vehicle, moped, or motorcycle. While holding the LPE-learner's permit, the person may operate a motor vehicle on the highways of this state if he or she has seated next to him or her a person who is a licensed operator or, in the case of a motorcycle or moped, if he or she is within visual contact of and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator or, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor vehicle or motorcycle operator shall either be a parent or guardian of the holder or a person over the age of nineteen years who is authorized in writing by the holder's parent or guardian to supervise the actions of the holder in operating the vehicle.

The county treasurer shall collect a fee of three dollars from each successful applicant for a school or LPE-learner's permit. All school permits shall be subject to revocation under the terms of section 60-496. Any person who violates the terms of a school permit shall be guilty of an infraction ~~a Class III misdemeanor~~ and shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

2. On page 17, line 17, strike "60-4,125" and insert "60-4,124 to 60-4,126,".

3. Renumber the remaining sections and correct internal references accordingly.

The first Chambers amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

The second Chambers amendment is as follows:
FA502

(Amendments to E & R amendments, AM7193)

Sec. 10. Section 60-4,126, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,126. Any person who is younger than sixteen years of age but is over thirteen years of age and resides upon a farm in this state or is fourteen years of age or older and is employed for compensation upon a farm in this state may obtain a farm permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the highways of this state if the applicant for such farm permit furnishes to an examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he or she has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for the temporary permit signed by the person's parent or guardian and payment of five dollars. After the expiration of the six-month period, it shall be unlawful for such person to operate such equipment upon the highways of this state unless he or she has been issued a farm permit under this section. The fee for an original, renewal, or duplicate farm permit shall be five dollars. All farm permits shall be subject to revocation under the terms of section 60-496. Any person who violates the terms of a farm permit shall be guilty of an infraction ~~a Class III misdemeanor~~ and shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.".

The second Chambers amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

## STANDING COMMITTEE REPORT
## Judiciary

The Committee on Judiciary desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

James A. Pearson - Board of Parole

VOTE: Aye: Senators Abboud, Brashear, Hilgert, Hudkins, Jones, Dw. Pedersen, and Robak. Nay: None. Absent: Senator Chambers.

(Signed) Kermit A. Brashear, Chairperson

## MESSAGES FROM THE GOVERNOR

February 16, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Ethanol Board:

APPOINTEE: J. Patrick Hillebrandt, 2401 Hanscom Boulevard, Omaha, NE 68105

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

February 17, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Motor Vehicle Industry Licensing Board:

APPOINTEES:
Mardy McCullough, 1300 G Street, Lincoln, NE 68508
Charles T. Grimsley, 9714 Ascot, Omaha, NE 68114
R. James Campbell, 3829 Firethorn Ct., Lincoln, NE 68520

The aforementioned names are respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

EBN:tw

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 1299.** Placed on General File.

**LEGISLATIVE BILL 1039.** Placed on General File as amended.
Standing Committee amendment to LB 1039:
AM3127

1. On page 3, strike beginning with "others" in line 25 through "law" in line 26 and insert "the public".

**LEGISLATIVE BILL 1234.** Placed on General File as amended.
Standing Committee amendment to LB 1234:
AM3057

1. On page 4, lines 21 and 23, after "possessing" insert "with intent to manufacture, distribute, deliver, or dispense"; and in line 22 after "28-416" insert "except for an exceptionally hazardous drug".

**LEGISLATIVE BILL 1263.** Placed on General File as amended.
Standing Committee amendment to LB 1263:
AM3101

1. Strike the original sections and insert the following new sections:

"Section 1. Section 30-2201, Revised Statutes Supplement, 1997, is amended to read:

30-2201. Sections 30-2201 to 30-2902 and sections 2 and 3 of this act shall be known and may be cited as the Nebraska Probate Code.

Sec. 2. (a) Thirty days after the death of a decedent, any person or persons claiming as successor or successors to the decedent's interest in real property may file or cause to be filed on their behalf, with the register of deeds office of a county in which the real property of the decedent that is the subject of the affidavit is located, an affidavit describing all real property owned by the decedent in this state and the interest of the decedent in the property and stating that:

(1) the value of all real property in the decedent's estate located in this state does not exceed twenty-five thousand dollars. The value of the decedent's interest shall be determined from the value of the property as shown on the assessment rolls for the year in which the decedent died;

(2) thirty days have elapsed since the death of the decedent;

(3) no application or petition for the appointment of

personal representative is pending or has been granted in any jurisdiction;

(4) the claiming successor is entitled to the real property by reason of the allowance in lieu of homestead and exempt property, by intestate succession as sole heir or heirs, or by devise under a valid last will of the decedent, the original of which is attached to the affidavit and is filed in the county court;

(5) the claiming successor has made an investigation and has been unable to determine any subsequent will;

(6) no other person has a right to the interest of the decedent in the described property; and

(7) the claiming successor affirms that all statements in the affidavit are true and material and further acknowledges that any false statement may subject him or her to penalties relating to perjury.

(b) The recorded affidavit may also be recorded in any other county in this state in which the real property of the decedent is located.

(c) Nothing in this section shall limit the rights of heirs and devisees under section 30-2499.

Sec. 3. (1) Any successor named in an affidavit under section 2 of this act which is recorded in the register of deeds office of a county in which the real property that is the subject of the affidavit is located shall have the same protection as a distributee who has received a deed from a personal representative as provided in section 30-24,106.

(2) A purchaser of real property from or lender to the person or persons designated as successor or successors named in an affidavit under section 2 of this act which is recorded in a register of deeds office of a county in which the real property that is the subject of the affidavit is located shall have the same protection as a person purchasing from or lending to a distributee who has received a deed from a personal representative as provided in section 30-24,108.

Sec. 4. Section 30-24,125, Revised Statutes Supplement, 1996, is amended to read:

30-24,125. (a) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating that:

(1) the value of ~~the entire~~ all of the personal property in the decedent's estate, wherever located, less liens and encumbrances, does not exceed twenty-five thousand dollars;

(2) thirty days have elapsed since the death of the decedent;

(3) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and

(4) the claiming successor is entitled to payment or delivery of the property.

(b) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (a).

(c) In addition to compliance with the requirements of subsection (a), a person seeking a transfer of a certificate of title to a motor vehicle shall be required to furnish to the Department of Motor Vehicles a statement of the value of any motor vehicle intended to be transferred under this section made by the county assessor of the county of the residence of the decedent. The affidavit and statement showing applicability of this section and compliance with the requirements of this section shall be sufficient proof under section 60-111, to authorize the department to issue a new certificate of title.

Sec. 5. Original section 30-24,125, Revised Statutes Supplement, 1996, and section 30-2201, Revised Statutes Supplement, 1997, are repealed.".

**LEGISLATIVE BILL 1274.** Placed on General File as amended.
Standing Committee amendment to LB 1274:
AM3149

1. Strike original section 2.

2. On page 7, strike beginning with "section" in line 16 through "and" in line 17; and in line 18 strike "are" and insert "is".

3. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 1242.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 320.** Mr. Bromm renewed the Bromm et al. pending amendment, AM3031, found on page 604.

The Bromm et al. amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mrs. Bohlke offered the following amendment:
AM3158

(Amendments to E & R amendments, AM7193)

1. Insert the following new sections:

"Sec. 12. Section 60-4,142, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,142. Any resident ~~sixteen years of age or older~~ may obtain, on a form to be prescribed by the director, an LPC-learner's permit from the county treasurer by making application to an examiner of the Department of Motor Vehicles. An applicant shall present proof to the examiner that he or she holds a valid Class O license or commercial driver's license or shall successfully complete the requirements for the Class O license before an LPC-learner's permit is issued. The LPC-learner's permit shall be valid for a period of six months and shall be renewed only once within any two-year period. The county treasurer shall charge a fee of five dollars for the issuance or renewal of an LPC-learner's permit.".

2. On page 2, strike beginning with "issued" in line 22 through "age" in line 23 and show as stricken; and in line 25 strike "the", show as stricken, and insert "a".

3. On page 7, line 12, strike the first "the" and insert "at least a".

4. On page 12, line 27, before "Any" insert "(1)".

5. On page 13, in line 12, after the period insert paragraphing and "(2)"; in line 13 strike the first "the" and insert "an"; in line 17 after "she" insert "(a)"; in line 19 after "and" insert "(b)"; strike beginning with "The" in line 20 through line 22 and insert

"(3) The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement to the Department of Motor Vehicles Cash Fund."; in line 23 strike "Driver" and insert "Commercial driver"; and in line 25 after the period insert "Instructors who teach the department-approved driver safety course in a public school or institution and possess competence as outlined in a driver's education endorsement shall be eligible to sign a form prescribed by the department showing successful completion of the driver safety course. Each public school or institution offering a department-approved driver safety course shall be required to obtain a certificate and pay the fee pursuant to section 11 of this act.".

6. On page 14, line 7, after "renewal" insert "certificate"; and in line 9 after the period insert "The fee shall be collected by the department and remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.".

7. On page 17, line 17, after the last comma insert "60-4,142,".

8. Renumber the remaining sections accordingly.

The Bohlke 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 822.** E & R amendment, AM7196, found on page 538, was adopted.

Messrs. Bromm and Janssen renewed their pending amendment, AM3060, found on page 582.

Mr. Beutler requested a ruling of the Chair on whether the Bromm-Janssen amendment is germane to the bill.

The Chair ruled the Bromm-Janssen amendment is not germane to the bill.

Mr. Bromm challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

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

Mr. Beutler requested a roll call vote on the Bromm motion to overrule the Chair.

Mr. Maurstad requested the roll call vote be taken in reverse order.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Bohlke | Chambers | Janssen | Maurstad | Suttle |
| Brashear | Dierks | Kiel | Pedersen, Dw. | Thompson |
| Bromm | Engel | Landis | Peterson, C. | Tyson |
| Brown | Hilgert | Matzke | Stuhr | Wickersham |
| Bruning | Hillman | | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Beutler | Hudkins | Pederson, D. | Schellpeper | Wehrbein |
| Coordsen | Jensen | Preister | Schimek | Wesely |
| Crosby | Jones | Raikes | Schrock | Willhoft |
| Cudaback | Kristensen | Robak | Vrtiska | Witek |
| Elmer | | | | |

Present and not voting, 2:

Robinson Schmitt

Excused and not voting, 4:

Abboud Hartnett Lynch Will

The Bromm motion to overrule the Chair failed with 22 ayes, 21 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

## UNANIMOUS CONSENT - Member Excused

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

## MOTION - Bracket LB 939

Mr. Chambers renewed his pending motion, found on page 611, to bracket LB 939 until April 22, 1998.

Messrs. Preister, Hilgert, and Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1041.** Placed on Select File as amended.
E & R amendment to LB 1041:
AM7203

1. In the Standing Committee amendments, AM3050:

a. On page 12, line 8, strike "(1)" and insert "(a)"; in line 15 strike "(2)" and insert "(b)"; and in line 27 strike "(3)" and insert "(c)";

b. On page 13, line 5, strike "(a)" and insert "(1)" and strike "(b)" and insert "(2)"; in line 6 strike "(c)"; and insert "(3)"; and in line 8 strike "(4)" and insert "(d)";

c. On page 14, line 22, before "Juvenile" insert "Nebraska";

d. On page 28, line 19; and page 35, line 21, strike "23" and insert "24"; and

e. On page 57, line 22, strike "and"; and in line 23 strike "to" and insert ", 43-1315, and".

2. On page 1, strike beginning with "sections" in line 1 through "1997" in line 9 and insert "sections 30-2209, 30-2608, 43-108, 43-116, 43-160, 43-532, 43-1307, 43-1308, 43-1311, 43-1312, 43-1314, 43-1315, and 43-1316, Reissue Revised Statutes of Nebraska, sections 43-102, 43-104, 43-104.05, 43-105, 43-162 to 43-164, 43-246, 43-254, 43-285, 43-292, 43-533, 43-1303, 43-1318, and 43-1411, Revised Statutes Supplement, 1996, and sections 24-517, 25-2740, 33-107.01, 43-107, 43-113, 43-138, 43-146.11,

22 43-245, 43-247, 43-284, 43-2,129, 43-504, and 43-1411.01, Revised
23 Statutes Supplement, 1997".

**LEGISLATIVE BILL 320A.** Placed on Select File.
**LEGISLATIVE BILL 695A.** Placed on Select File.
**LEGISLATIVE BILL 822A.** Placed on Select File.

**LEGISLATIVE BILL 611.** Placed on Select File as amended.
E & R amendment to LB 611:
AM7204
1 1. In lieu of the Chambers amendment, FA492, on page 2,
2 strike beginning with "This" in line 17 through line 20 and show
3 the old matter as stricken.

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 961.** Indefinitely postponed.
**LEGISLATIVE BILL 982.** Indefinitely postponed.
**LEGISLATIVE BILL 1153.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

## AMENDMENTS - Print in Journal

Messrs. Cudaback, D. Pederson, and Chambers filed the following amendment to LB 695:
AM3170

(Amendments to E & R amendments, AM7197)

1. On page 1, line 14, before "The" insert "(1)"; and in line 18 before "After" insert paragraphing and "(2)".

2. On page 2, after line 8 insert:

"(3) If a conviction on which reimbursement for prisoner costs was based is reversed and the case dismissed, the amount of such reimbursement shall be refunded as provided in section 47-121. The county attorney shall notify the sheriff or county board of corrections of the dismissal of any such case.".

3. On page 3, line 27, after "claimed" insert "and the number of days for which reimbursement is claimed and the number of state prisoners for whom reimbursement was obtained under section 2 of this act and the amount of reimbursement to be refunded".

Mrs. Crosby filed the following amendment to LB 799:
AM3163

(Amendments to AM2846)

1. On page 3, line 16, after the period insert "Funds from the Nebraska Arts and Humanities Cash Fund may be used for the

purpose of obtaining challenge grants from the National Endowment for the Humanities or the National Endowment for the Arts.".

## MOTION - Print in Journal

Mr. Coordsen filed the following motion to LB 939:
To Bracket LB 939 until March 3, 1998.

## ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 1321 as its priority bill.

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 947. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 922. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 320. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Ginger, Becky, and Joanna Anderson from Omaha; members of Leadership Tomorrow from Aurora and Merrick County; and Senator Schrock's granddaughter, Gabby Schrock, from Holdrege.

## ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Wednesday, February 18, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TWENTY-SEVENTH DAY – FEBRUARY 18, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 18, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Greg Olson, Southwood Lutheran Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. D. Pederson who was excused; and Messrs. Abboud, Bromm, Dierks, Hartnett, Landis, Matzke, Schmitt, Schrock, Tyson, Wesely, Wickersham, Will, Mmes. Hudkins, Kiel, Stuhr, and Ms. Schimek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

## UNANIMOUS CONSENT - Member Excused

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

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 204.** Placed on Select File as amended.
E & R amendment to LB 204:
AM7205

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 29-4007, Revised Statutes Supplement, 1996, is amended to read:

29-4007. (1) The court shall provide written notification of the duty to register at the time of sentencing to any defendant who has pleaded guilty or has been found guilty of an offense listed in subdivision (1)(a) of section 29-4003. 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 29-4003 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 Department of Motor Vehicles shall cause written notification of the duty to register to be provided on the applications for a motor vehicle operator's license and for a commercial driver's license. ~~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. 2. Section 29-4009, Revised Statutes Supplement, 1996, is amended to read:

29-4009. ~~Access to information~~ 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~~ confidential, except that:

(1) Information shall be disclosed to law enforcement agencies for law enforcement purposes;

(2) Information may be disclosed to governmental agencies conducting confidential background checks; and

(3) The Nebraska State Patrol and any law enforcement agency authorized by the patrol shall release relevant information that is necessary to protect the public concerning a specific person required to register, except that the identity of a victim of an offense that requires registration shall not be released. Release of such information shall conform with the rules and regulations adopted and promulgated by the Nebraska State Patrol pursuant to section 29-4013.

Sec. 3. Section 29-4013, Revised Statutes Supplement, 1996, is amended to read:

29-4013. (1) The ~~Attorney General and the~~ Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out the registration provisions of the Sex Offender Registration Act.

(2)(a) The Nebraska State Patrol shall adopt and promulgate rules and regulations for the release of information to the community pursuant to subdivision (3) of section 29-4009.

(b) The rules and regulations adopted by the Nebraska State Patrol shall identify and incorporate factors relevant to the sex offender's risk of recidivism. Factors relevant to the risk of recidivism include, but are not limited to:

(i) Conditions of release that minimize the risk of recidivism, including probation, parole, counseling, therapy, or treatment;

(ii) Physical conditions that minimize the risk of recidivism, including advanced age or debilitating illness; and

(iii) Any criminal history of the sex offender indicative of a high risk of recidivism, including:

(A) Whether the conduct of the sex offender was found to be characterized by repetitive and compulsive behavior;

(B) Whether the sex offender committed the sexual offense against a child;

(C) Whether the sexual offense involved the use of a weapon, violence, or infliction of serious bodily injury;

(D) The number, date, and nature of prior offenses;

(E) Whether psychological or psychiatric profiles indicate a risk of recidivism;

(F) The sex offender's response to treatment;

(G) Any recent threats by the sex offender against a person or expressions of intent to commit additional crimes; and

(H) Behavior of the sex offender while confined.

(c) The procedures for release of information established by the Nebraska State Patrol shall provide for three levels of notification by the law enforcement agency in whose jurisdiction the sex offender is to be released depending on the risk of recidivism by the sex offender as follows:

(i) If the risk of recidivism is low, other law enforcement agencies likely to encounter the sex offender shall be notified;

(ii) If the risk of recidivism is moderate, in addition to the notice required by subdivision (i) of this subdivision, schools, daycare centers, and religious and youth organizations shall be notified; and

(iii) If the risk of recidivism is high, in addition to the notice required by subdivisions (i) and (ii) of this subdivision, the public shall be notified through means designed to reach members of the public likely to encounter the sex offender, which are limited to direct contact, news releases, or a system utilizing a telephone system which charges a fee for each use. If

any means of notification proposes a fee for usage, then nonprofit organizations holding a certificate of exemption under section 501(c) of the Internal Revenue Code shall not be charged.

(d) The Nebraska State Patrol shall establish procedures for the evaluation of the risk of recidivism and implementation of community notification that promote the uniform application of the notification rules and regulations required by this section.

(e) The Nebraska State Patrol shall assign a notification level, based upon the risk of recidivism, to all persons required to register under the act.

(3) Nothing in subsection (2) of this section shall be construed to prevent law enforcement officers from providing community notification concerning any person who poses a danger under circumstances that are not provided for in the act.

Sec. 4. Original sections 29-4007, 29-4009, and 29-4013, Revised Statutes Supplement, 1996, are repealed.".

2. On page 1, line 1, strike "29-4009" and insert "29-4007, 29-4009,"; and strike beginning with "to" in line 3 through "council" in line 5 and insert "to authorize disclosure of certain information; to provide duties for the Department of Motor Vehicles and the Nebraska State Patrol".

## Correctly Engrossed

The following bills were correctly engrossed: LBs 629 and 834.

## Enrollment and Review Change to LB 629

The following changes, required to be reported for publication in the Journal, have been made:
ER9119

1. On page 1, the matter beginning with "section" in line 1 through line 4 and all amendments thereto have been struck and "sections 79-102 and 79-407, Revised Statutes Supplement, 1997; to change provisions relating to classification of school districts; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Jon C. Bruning, Chairperson

## ANNOUNCEMENT

The General Affairs Committee designates LB 1086 as its priority bill.

## NOTICE OF COMMITTEE HEARING
### Revenue

Wednesday, February 25, 1998 3:00 p.m.
Robert L. Hans - Tax Equalization and Review Commission

(Signed) William R. Wickersham, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 822.** Advanced to E & R for engrossment.
**LEGISLATIVE BILL 822A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 695.** E & R amendment, AM7197, found on page 548, was adopted.

Messrs. Cudaback, D. Pederson, and Chambers renewed their pending amendment, AM3170, found on page 660.

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

Mr. Wickersham asked unanimous consent to bracket LB 695 until February 25, 1998. No objections. So ordered.

**LEGISLATIVE BILL 777.** E & R amendment, AM7198, found on page 574, was adopted.

Messrs. Jensen and Chambers offered the following amendment:
AM3165

(Amendments to E & R amendments, AM7198)

1. Strike sections 1 and 3 and insert the following new sections:

"Section 1. Any party to a divorce action involving minor children or an action involving child custody or visitation may be required by the court to complete a parenting education course pursuant to this section prior to the entry by the court of a final judgment or order modifying the final judgment in such action. The court must approve the course, and participation in the course may be delayed or waived by the court for good cause shown. Failure or refusal by any party to participate in such a course as ordered by the court shall not delay the entry of a final judgment or order modifying a final judgment in such action by more than six months and shall in no case be punished by incarceration.

A parenting education course pursuant to this section shall be designed to educate the parties about the impact of the pending divorce, custody, or visitation action upon their children. The course shall include, but not be limited to, information on the developmental stages of children, adjustment of children to parental separation, dispute resolution and conflict management, guidelines for visitation, stress reduction in children, and cooperative parenting.

Each party shall be responsible for the costs, if any, of attending a court-ordered parenting education course. The court may specifically allocate costs between the parties for their required participation in the course. At the request of any party, the parties shall be allowed to attend separate courses or to

attend the same course at different times, specifically if violence has been present in the relationship or one party has threatened the other party with violence.

Sec. 3. Any party to a divorce action involving minor children or an action involving child custody or visitation may be required to complete a parenting education course prior to the entry by the court of a final judgment or order modifying the final judgment in such action as provided in section 1 of this act.".

The Jensen-Chambers amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 799.** E & R amendment, AM7200, found on page 575, was adopted.

Mrs. Crosby renewed her pending amendment, AM3163, found on page 660.

The Crosby amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 799A.** E & R amendment, AM7201, found on page 575, was adopted.

Advanced to E & R for engrossment.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 225.** E & R amendment, AM7199, found on page 575, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 404.** The Withem motion, found on page 1441, First Session, 1997, to indefinitely postpone, was withdrawn.

Messrs. Brashear, Dw. Pedersen, Kristensen, and Landis renewed their pending amendment, AM3139, found on page 644.

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

Mr. Chambers requested a division of the question on the Brashear et al. amendment.

The Chair sustained the division of the question.

The first Brashear et al. amendment is as follows:
FA504

1. Strike the original sections and all amendments thereto and insert the following sections:

"Section 1. Section 24-301.02, Reissue Revised Statutes of Nebraska, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be ~~fourteen~~ seventeen judges of the district court. ~~Before July 1, 1996, in the third district there shall be six judges of the district court, and on and after July 1, 1996, in~~ In the third district there shall be seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the second and fifth districts there shall be four judges of the district court. In the first, sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

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

## MRS. CROSBY PRESIDING

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

Pending.

## STANDING COMMITTEE REPORTS
### Urban Affairs

**LEGISLATIVE BILL 1338.** Placed on General File as amended.
Standing Committee amendment to LB 1338:
AM3173

1. On page 2, line 17, strike "the" and insert "a"; and in line 28 strike the last "the" and insert "a".

2. On page 3, line 11, strike the first "the" and insert "a"; in line 15 after "unless" insert "(a)"; in line 16 strike the underscored comma; in line 17 strike "votes" and insert "(b) within ten days after the date of the election the candidate provides the county clerk or election commissioner with appropriate documentation evidencing his or her representation of the entity. Votes"; and in line 19 after "as" insert "a".

**LEGISLATIVE BILL 1346.** Placed on General File as amended.
Standing Committee amendment to LB 1346:
AM3172

1. Strike the original sections and insert the following new sections:

"Section 1. For purposes of sections 17-215 to 17-219.03, when reference is made to the county within which the village is located and the village is located in more than one county, county means the county within which the greater portion of the area of the village is located.

Sec. 2. Section 17-215, Reissue Revised Statutes of Nebraska, is amended to read:

17-215. Any village of the State of Nebraska incorporated under the laws of this state shall abolish its incorporation whenever a majority of the ~~electors of said~~ registered voters of the village, voting on the question of such abolishment, shall so decide~~,~~ in the manner ~~herein~~ provided in sections 17-215 to 17-219.03.

Sec. 3. Section 17-216, Reissue Revised Statutes of Nebraska, is amended to read:

17-216. (1) Whenever a petition or petitions for submission of the question of the abolishment of incorporation to the registered voters of any village, signed by not less than

one-third of the registered voters ~~electors and taxpayers~~ of the village, ~~shall be~~ is filed in the office of the county clerk or election commissioner of the county in which such village is situated, ~~not less than seventy days before the date of any general election, it shall be the duty of such~~ the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village as provided in this section and give notice thereof in the general notice of the election at which the question will be submitted.

(2) Whenever two-thirds of the members of the board of trustees of any village, by resolution following a public hearing, vote to submit the question of the abolishment of the incorporation of the village, the resolution shall be filed in the office of the county clerk or election commissioner of the county in which such village is situated, the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village as provided in this section and give notice thereof in the general notice of the election at which the question will be submitted.

(3) If a petition or resolution is filed with the county clerk or election commissioner, the county clerk or election commissioner ~~to~~ shall cause such question to be submitted to the registered voters of the village at ~~such election, and give notice thereof in the general notice of such election; PROVIDED, no village shall abolish incorporation until all liabilities are liquidated.~~ the next primary or general election which is scheduled to be held more than seventy days after the date upon which the petition or resolution is filed. If the petition or resolution calls for a vote on the question at a special election to be called for that purpose, the county clerk or election commissioner shall cause a special election to be called for the purpose of placing the question before the registered voters and the election shall be called not sooner than sixty days nor later than seventy days after the date of the filing of the petition or resolution. If a petition is filed at any time other than within one hundred eighty days prior to a primary or general election and the petition does not call for the question to be considered at a special election, the board of trustees may, by majority vote, call for the county clerk or election commissioner to cause the matter to be placed upon the ballot at a special election on a date certain specified by the board, except that such date shall not be sooner than sixty days after the date upon which the petition was filed.

(4) If the question of abolishment of incorporation is submitted to the voters and such question receives a favorable vote by a majority of those voting on the issue, the governing board of such village shall file with the Secretary of State a certified statement showing the total votes for and against such measure. ~~The certified statement shall also show that all liabilities have~~

~~been liquidated and the month, day, and year that the abolishment of the incorporation becomes effective.~~

Sec. 4. Section 17-218, Reissue Revised Statutes of Nebraska, is amended to read:

17-218. (1) If it ~~shall be~~ is decided at such election that incorporation of the village be abolished, then, from and after the ~~first day of January next ensuing~~ effective date of the abolishment of the incorporation as determined by the county board as provided in subsection (2) of this section, the incorporation of the village shall cease and be abolished, and the area formerly encompassed within the boundaries of the village shall thereafter be governed by county commissioners as provided by law for unincorporated areas within the county. Upon such date, the terms of office of all elected and appointed officers and employees of the village shall end.

(2) Within fifty days after the date of the election at which the registered voters of the village approve the abolishment of the village's incorporation, the county board of the county within which the village is located shall, by resolution, specify the month, day, and year upon which the abolishment of the incorporation becomes effective. The effective date shall not be later than (a) six calendar months following the date of the election or (b) if there are liabilities of the village which cannot be retired except by means of a continuing property tax levy by the village, the date such liabilities can be paid, whichever is later. The county clerk shall transmit a copy of the resolution to the Secretary of State.

Sec. 5. Section 17-219, Reissue Revised Statutes of Nebraska, is amended to read:

17-219. Upon the effective date of the abolishment of incorporation, all corporate property and corporate records belonging to the village shall be ~~placed in the hands of the road overseer of the district~~ transferred to the county board of the county in which the village is located. All funds of the village not otherwise disposed of ; ~~or sold, as shall be deemed by the trustees of the village for the best interest of the road district. If the proceeds exceed the sum of one hundred dollars, they~~ shall be ~~placed in the hands of~~ transferred to the county treasurer, to be paid out by order of the county ~~commissioners, for exclusive use of the road district in which the village is located~~ board as it sees fit.

Sec. 6. Section 17-219.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-219.01. Notwithstanding any more general law respecting revenue, ~~it shall be the duty of~~ the county ~~treasurer~~ board in any county in this state ~~wherein~~ in which the incorporation of any village ~~shall have~~ has been abolished according to law ~~to~~ shall advertise and sell all corporate property of ~~said~~ the village ~~remaining~~ for which the county itself has no

use or which remains unsold or undisposed of after the expiration of ~~three years~~ six months from the effective date of the abolishment of the incorporation of such village. ~~Such county treasurer shall at the same time advertise and sell~~ as provided by the county board for liquidation of any liabilities of the village. After the effective date of the abolishment of the incorporation of the village, the county board shall treat all real estate listed and described in the original plat of such village upon which the owner thereof has failed and neglected to pay the taxes thereon ~~for a period of three full years~~ as if such taxes were originally levied by the county and, notwithstanding any other provision of law, the taxes shall be deemed to have been levied by the county as of the date of the original levy by the village and due and owing as provided by law to the county.

Sec. 7. Section 17-219.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-219.02. ~~Such~~ The county treasurer shall, before selling any ~~such~~ property under section 17-219.01, give notice of the sale thereof in the same manner as notice is given when lands are sold under execution by the sheriff, and the sale shall likewise be conducted in the same manner as execution sales.

Sec. 8. Section 17-219.03, Reissue Revised Statutes of Nebraska, is amended to read:

17-219.03. ~~If the owner of any property in such village other than the corporate property located therein, shall fail to redeem the same by paying the county treasurer all taxes, interest, penalties, including costs of advertisement and sale, within ninety days from the date of such sale, the county treasurer shall execute and deliver to the purchasers thereof a deed of conveyance. The deed so made by the county treasurer shall be under the official seal of his office and shall be acknowledged by him before some officer authorized by law to take acknowledgments of deeds, and when so executed and acknowledged, it may be recorded in the same manner as other conveyances of real estate, and when so recorded it shall vest in the grantee, his heirs and assigns, the title to the property therein described free and clear of all tax liens.~~ (1) On and after the date of a vote by a majority of the registered voters of a village voting on the question in favor of the abolishment of the incorporation of a village, the board of trustees shall not expend any funds of the village, liquidate any village assets, whether such assets are real or personal property, or otherwise encumber or exercise any authority over the property or funds of the village without the prior approval of the county board within which the county is located.

(2) Within ten days after a vote by a majority of the registered voters of a village voting on the question in favor of the abolishment of the incorporation of a village, the board of trustees shall meet and approve a resolution setting out with particularity all of the assets and liabilities of the village,

including a full and complete inventory of all property, real and personal, owned by the village. The resolution shall be transmitted to the county clerk of the county within which the village is located, and the clerk shall provide copies to the members of the county board.

(3) If the liabilities of the village exceed the value of all the assets of the village, the county board shall, within twenty days after the receipt of the resolution by the county clerk, schedule a joint meeting between the village board and the county board to review the resolution and discuss how to liquidate the liabilities with the village board.

(4) Within thirty days after the date upon which the joint meeting is held pursuant to subsection (3) of this section, the county board shall adopt a plan for the liquidation of village assets to retire the liabilities of the village.

Sec. 9. Original sections 17-215, 17-216, and 17-218 to 17-219.03, Reissue Revised Statutes of Nebraska, are repealed.".

(Signed) D. Paul Hartnett, Chairperson

**Judiciary**

**LEGISLATIVE BILL 1156.** Placed on General File.
**LEGISLATIVE BILL 1203.** Placed on General File.
**LEGISLATIVE BILL 1233.** Placed on General File.
**LEGISLATIVE BILL 1275.** Placed on General File.

**LEGISLATIVE BILL 1038.** Placed on General File as amended.
Standing Committee amendment to LB 1038:
AM2851

1. Strike original sections 5 and 10.
2. On page 4, strike beginning with the underscored period in line 1 through "crime" in line 6.
3. On page 7, line 4, strike "family" and insert "parent, guardian, or custodian".
4. On page 14, lines 24 and 25, strike "sections" through "43-2,129" and insert "section 43-245".
5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1225.** Placed on General File as amended.
Standing Committee amendment to LB 1225:
AM3146

1. On page 2, line 6, strike "commencement of the action" and insert "service on the opposing party".

(Signed) Kermit A. Brashear, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 1053.** Placed on General File.
**LEGISLATIVE BILL 1093.** Placed on General File.

**LEGISLATIVE BILL 820.** Placed on General File as amended.
Standing Committee amendment to LB 820:
AM2713
1. On page 2, strike beginning with "one" in line 3 through "burials" in line 8 and insert "the Nebraska Veterans' Memorial Cemetery in Hall County".

(Signed) C. N. "Bud" Robinson, Chairperson

**Revenue**

**LEGISLATIVE BILL 1333.** Placed on General File as amended.
(Standing Committee amendment, AM3177, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) William R. Wickersham, Chairperson

**Natural Resources**

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Ethanol Board
Michael P. Alberts
Clinton K. Jensen
Ronald Stoddard

Nebraska Environmental Trust Board
Frank P. Giltner

Nebraska Oil and Gas Conservation
Thomas M. Sonntag
Marquis Reed Gilmore

VOTE: Aye: Senators Beutler, Bohlke, Bruning, Elmer, Preister, and Stuhr. Nay: None. Absent: Senators Bromm and Schrock.

(Signed) Chris Beutler, Chairperson

**Education**

The Committee on Education desires to report favorably upon the

appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Commission on Postsecondary Education
Eric Seacrest
Dr. Helen Morten
David Brandt
Dr. Keith Vrbicky

VOTE: Aye: Senators Bohlke, Beutler, Brashear, Raikes, Stuhr, Suttle, Willhoft, and Wickersham. Nay: None. Absent: None.

(Signed) Ardyce L. Bohlke, Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Natural Resources

| | | |
|---|---|---|
| LB 1202 | Wednesday, February 25, 1998 | 1:30 p.m. |
| LB 1310 | Wednesday, February 25, 1998 | 1:30 p.m. |
| LB 1212 | Thursday, February 26, 1998 | 1:30 p.m. |
| LB 1213 | Thursday, February 26, 1998 | 1:30 p.m. |
| LB 1253 | Friday, February 27, 1998 | 1:30 p.m. |
| LB 1232 | Friday, February 27, 1998 | 1:30 p.m. |

(Signed) Chris Beutler, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Campbell, R. James - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

Grimsley, Charles T. - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

Hillebrandt, J. Patrick - Nebraska Ethanol Board -- Natural Resources

McCullough, Mardy - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## AMENDMENT - Print in Journal

Mr. Lynch filed the following amendment to LB 1106:
AM2927

1. On page 2, line 21, after the period insert "On the same day, the State Treasurer shall transfer fifty million dollars from the Roads Operations Cash Fund to the Highway-Related Injury Cash Fund. The Highway-Related Injury Cash Fund is created and shall be used for programs addressing highway-related injuries. For administrative purposes, the Highway-Related Injury Cash Fund shall be assigned to the highway safety program of the Department of Motor Vehicles. Administrative expenses incurred by the department may be paid from the Highway-Related Injury Cash Fund. Any money in the Highway-Related Injury Cash 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.".

## SELECT FILE

**LEGISLATIVE BILL 404.** The first Brashear et al. pending amendment, FA504, found in this day's Journal, was renewed.

Mr. Chambers offered the following amendment to the first Brashear et al. pending amendment:
FA508
Amend FA504
Page 2, line 11, strike "seventeen" and insert "fifteen".

Messrs. Wehrbein and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Brashear withdrew the Brashear et al. amendment, FA504 and the remaining components of the divided question of AM3139.

Mr. Brashear reoffered the Brashear et al. amendment, AM3139, found on page 644 and considered in this day's Journal.

Messrs. Brashear, Chambers, and Landis offered the following amendment to the Brashear et al. pending amendment:
FA509
Amend AM3139
on p. 2, line 11 strike seventeen, insert fifteen;
on page 3, line 26 strike fourteen and insert twelve

Mrs. Stuhr and Mr. Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

The Brashear-Chambers-Landis amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Brashear et al. amendment, AM3139, as amended, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS
### Health and Human Services

**LEGISLATIVE BILL 1063.** Placed on General File.
**LEGISLATIVE BILL 1130.** Placed on General File.

**LEGISLATIVE BILL 912.** Placed on General File as amended.
(Standing Committee amendment, AM3182, 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 949.** Placed on General File as amended.
Standing Committee amendment to LB 949:
AM2811

1. Strike original sections 1 to 8 and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Tobacco Central Registry Act.

Sec. 2. It is the intent of the Legislature to require the establishment and maintenance of a central registry of tobacco licenses. Since there is no statewide registration of tobacco licenses, it is extremely difficult to select a random sample of licensed retailers for statewide compliance checks which are required by 42 U.S.C. 300x-26. A centralized tobacco licensing system for tobacco retailers is a key component in implementing an effective policy for preventing access to tobacco products by youth.

It is also the intent of the Legislature to maintain local control of administering tobacco licenses and to increase the enforcement efforts against illegal sales to youth. Increasing local and state enforcement efforts and giving communities the power to suspend tobacco licenses are effective strategies to prevent the sales of tobacco to youth.

Sec. 3. For purposes of the Tobacco Central Registry Act:

(1) Department means the Department of Health and Human Services Regulation and Licensure; and

(2) Tobacco license means the license required pursuant

to section 28-1420.

Sec. 4. The department shall establish and maintain a tobacco central registry which includes a copy of every tobacco license issued by any city, village, or county pursuant to section 28-1421.

Sec. 5. The department shall develop a standardized application form and license form which will be used by any issuer of a tobacco license pursuant to section 28-1421. The forms shall include, but are not limited to, the name of the licensee, the address of the business establishment, the type of sale, and the hours of operation. If the license is for a vending machine, the forms shall include the address or location of each vending machine. The application form shall include the applicant's social security number if such applicant is an individual.

Sec. 6. In order to implement the intent and purposes of the Tobacco Central Registry Act:

(1) The Department of Health and Human Services Regulation and Licensure shall:

(a) Administer the tobacco central registry, including development of any necessary forms, and maintain a reporting system;

(b) Compile and publish a report, annually or at reasonable intervals, regarding retailer education and containing information obtained from the tobacco central registry and local law enforcement regarding compliance activities;

(c) Administer a budget to collect and distribute a portion of the registration fee which has been remitted to the department; and

(d) Establish and maintain a database of licensed retailers; and

(2) The Department of Health and Human Services shall provide retailer education which may include, but is not limited to, distributing mailings on current laws or changes in tobacco retail laws at the state or federal level, providing voluntary workshops for clerks or managers, and maintaining a resource library of materials that may be loaned to retailers for training purposes.

Sec. 7. Enforcement or compliance testing conducted by local law enforcement pursuant to the Tobacco Central Registry Act shall be in compliance and consistent with the rules and regulations of the Nebraska State Patrol.

Sec. 8. There is hereby established a registration fee in the amount of forty-five dollars which shall be required upon issuance or renewal of any tobacco license to be paid by any such applicant or licensee to the local licensing authority. This fee shall be in addition to the fee charged for a tobacco license pursuant to section 28-1423. The local licensing authority shall retain five dollars of the forty-five-dollar fee for administrative costs and shall remit twenty-five dollars of the fund to the city,

village, or county treasurer who shall credit the accounts of local law enforcement to enforce laws regarding sales of tobacco products to minors and to report to the department the results of such enforcement efforts. The local licensing authority shall remit within thirty days of receipt the remaining fifteen dollars to the State Treasurer who shall credit nine dollars to the Department of Health and Human Services Regulation and Licensure Cash Fund and six dollars to the Nebraska State Patrol Cash Fund. Money credited to the Department of Health and Human Services Regulation and Licensure Cash Fund pursuant to this section shall be used to administer the Tobacco Central Registry Act, and money credited to the Nebraska State Patrol Cash Fund pursuant to this section shall be used to enforce laws regarding sales of tobacco products to minors.

Sec. 9. The department and the Nebraska State Patrol shall adopt and promulgate rules and regulations necessary to carry out their duties pursuant to the Tobacco Central Registry Act.

Sec. 10. Section 28-1421, Reissue Revised Statutes of Nebraska, is amended to read:

28-1421. Licenses for the sale of cigars, tobacco, cigarettes, and cigarette material to persons over the age of eighteen years shall be issued to individuals, partnerships, limited liability companies, and corporations by the clerk or finance director of any city or village and by the county clerk of any county upon application duly made as provided in section 28-1422. Within thirty days after a license is issued, the city, village, or county shall submit a copy of the license form to the Department of Health and Human Services Regulation and Licensure for inclusion in the tobacco central registry established pursuant to section 4 of this act. The sale of cigarettes or cigarette materials that contain perfumes or drugs in any form is prohibited and is not licensed by the provisions of this section. Only cigarettes and cigarette material containing pure white paper and pure tobacco shall be licensed.".

2. On page 5, line 9, strike "4" and insert "5"; and in line 14 strike "7" and insert "8".

3. On page 7, line 8, strike "8" and insert "9"; and in line 10 strike "28-1424" and insert "28-1421, 28-1424,".

4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1016.** Placed on General File as amended.
Standing Committee amendment to LB 1016:
AM3168

1. Strike the original sections and insert the following sections:

"Section 1. It is the intent of the Legislature that quality health care services and human services be provided to all citizens of the state and basic standards be developed to promote safe and adequate care of individuals in health care services

facilities and human services facilities, that categories of facilities be regulated by the state solely for the purpose of protecting the public from unreasonable harm or danger, and that categories of facilities be regulated by the state only when it is demonstrated that regulation is in the best interest of the public.

The purposes of sections 1 to 14 of this act are to establish criteria that provide for the determination of what categories of facilities should be regulated, to develop a quality improvement mechanism which would periodically examine and reexamine the laws, regulations, processes, and results of the facility regulation system, to establish a facility regulation system based on meaningful results, including quality indicators, and to assure that the development, application, and implementation of the regulatory system is consistent and uniform.

Sec. 2. For purposes of sections 1 to 14 of this act, the definitions found in sections 3 to 7 of this act are used.

Sec. 3. Credentialing means the totality of the licensure processes associated with obtaining a license or changing aspects of a currently existing license.

Sec. 4. Facility means any organization which provides health care services or human services to members of the general public.

Sec. 5. Health care services means services associated with the diagnosis and treatment of physical, mental, or emotional injury or illness or the prevention, rehabilitation, or continuing care related to health problems.

Sec. 6. Human services means services that assist individuals in the conduct of daily living and includes the provision of food and shelter, a minimum amount of such assistance and personal care, and health-related services for individuals who are in need of a protected environment but who are otherwise able to manage normal activities of daily living.

Sec. 7. Licensure means the permission granted by the state to provide health care services or human services to the public which would otherwise be unlawful without such permission and which is granted to facilities which meet prerequisite qualifications pertinent to public health, safety, and welfare.

Sec. 8. Credentialing of categories of facilities not previously licensed should occur only when:

(1) Credentialing is necessary to prevent harm or endangerment to the public health, safety, or welfare and the potential for the harm or endangerment is easily recognizable and not remote or dependent upon tenuous argument;

(2) Credentialing would not significantly diminish the supply of qualified providers, or would not otherwise diminish the public's access to needed services; and

(3) There is no more cost-effective means of protecting the public from harm than credentialing.

Sec. 9. After reviewing the criteria in section 8 of

this act and considering governmental and societal costs and benefits, if the Legislature finds that it is necessary for the protection of the public to regulate categories of facilities not previously regulated by state law, it is the intent of the Legislature that the least restrictive regulatory provisions consistent with protecting the public health, safety, and welfare be implemented.

Sec. 10. Changes in the credentialing of categories of currently licensed facilities should occur only when:

(1) Credentialing is not needed to ensure the protection of the public health, safety, or welfare, or the current rules and regulations or statutory provisions are not providing adequate protection of the public health, safety, or welfare;

(2) Credentialing has been more detrimental than beneficial to the public health, safety, or welfare by diminishing the supply of qualified providers or the public's access to needed services; or

(3) There are more cost-effective means of protecting the public than credentialing.

Sec. 11. After reviewing the criteria in section 10 of this act and considering governmental and societal costs and benefits, if the Legislature finds that it is necessary for the protection of the public to make changes in the statutes regulating categories of facilities, it is the intent of the Legislature that changes be implemented which are the least restrictive regulatory provisions consistent with protecting the public health, safety, and welfare.

Sec. 12. The Department of Health and Human Services Regulation and Licensure shall periodically examine and reexamine the regulations, processes, and results of the facility regulation system. Changes in the facility regulation system should occur whenever the department finds that:

(1) The programs or procedures are not needed to ensure the protection of the public health, safety, or welfare, or the programs or procedures are not providing adequate protection of the public health, safety, or welfare;

(2) The programs or procedures have been more detrimental than beneficial to the fulfillment of the department's regulatory responsibilities as defined by law or have diminished the supply of qualified providers or the public's access to needed services; or

(3) There are alternatives to the programs or procedures that would more cost-effectively fulfill the department's duties and responsibilities.

Sec. 13. The Department of Health and Human Services Regulation and Licensure shall review the regulation or proposed regulation of categories of facilities based on the criteria in sections 1 to 14 of this act. On or before November 1 of each year, the department shall provide the Legislature with recommendations for credentialing of categories of facilities not

previously regulated and changes in the statutes governing the credentialing of categories of facilities.

Sec. 14. Nothing in Legislative Bill 1016, Ninety-fifth Legislature, Second Session, 1998, is intended to authorize any certificate of need activities for facilities or to authorize the licensure of private practice health care service offices.

Sec. 15. Section 71-2024, Revised Statutes Supplement, 1997, is amended to read:

71-2024. (1) To protect the health, safety, and welfare of the public and to insure to the greatest extent possible the efficient, adequate, and safe practice of health care in any hospital, health care facility, or human service facility ~~or related institution~~ as defined in sections 71-2017 to 71-2029 and sections 1 to 14 of this act consistent with ~~the Nebraska Nursing Home Act,~~ the Uniform Controlled Substances Act, the Uniform Licensing Law, and sections 28-1437 to 28-1439.05, 71-2017 to 71-2029, 71-20,115 to 71-20,119, 71-6501, 71-6601 to 71-6615, and 71-6701 to 71-6717 and sections 1 to 14 of this act, the department shall adopt, promulgate, and enforce rules, regulations, and standards with respect to the different types of hospitals, health care facilities, and health service facilities, ~~and related institutions~~ except nursing homes, ~~to be licensed hereunder as may be~~ designed to further the accomplishment of the purposes of ~~sections 71-2017 to 71-2029~~ such sections, act, and law. Such rules, regulations, and standards shall be modified, amended, or rescinded from time to time in the public interest by the department. The department, with the advice of the Nursing Home Advisory Council, shall adopt, promulgate, and enforce rules, regulations, and standards with respect to nursing homes. Such rules, regulations, and standards shall be in compliance with the Nebraska Nursing Home Act. Such rules, regulations, and standards shall be modified, amended, or rescinded from time to time in the public interest by the department with the advice of the Nursing Home Advisory Council.

(2) The department may accept accreditation by a recognized independent accreditation body, which has standards that are at least as stringent as those of the State of Nebraska, as evidence that the hospital, health care facility, or human service facility complies with the rules, regulations, and standards adopted and promulgated pursuant to subsection (1) of this section.

(3) In addition to the authority to inspect in section 71-2022, the department may adopt and promulgate rules and regulations which allow for recognition of alternative methods for assessing the compliance of the hospital, health care facility, or human service facility with the rules, regulations, and standards adopted and promulgated pursuant to subsection (1) of this section.

Sec. 16. Original section 71-2024, Revised Statutes Supplement, 1997, is repealed.".

**LEGISLATIVE BILL 1078.** Placed on General File as amended.
Standing Committee amendment to LB 1078:
AM3167
1. On page 3, strike lines 2 through 15.

**LEGISLATIVE BILL 968.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

## Nebraska Retirement Systems

**LEGISLATIVE BILL 1076.** Placed on General File as amended.
Standing Committee amendment to LB 1076:
AM3108
1. Insert the following new section:
"Sec. 22. Section 79-987, Reissue Revised Statutes of Nebraska, is amended to read:
79-987. (1) An annual audit of the affairs of the retirement system shall be conducted. At the option of the governing board of the retirement system, such audit may be conducted by a certified public accountant or the Auditor of Public Accounts. The costs of such audit shall be paid from funds of the retirement system. A copy of such audit shall be filed with the Auditor of Public Accounts.
(2) Beginning December 31, 1998, and each December 31 thereafter, the administrator of the retirement system established pursuant to section 79-979 shall file an annual report on such system with the Public Employees Retirement Board and shall submit copies of such report to the members of the Retirement Systems Committee of the Legislature. The annual report shall be in a form prescribed by the Public Employees Retirement Board and shall contain the following information for each retirement plan:
(a) The number of persons participating in the retirement plan;
(b) The contribution rates and levels of benefits of participants in the plan;
(c) Plan assets and liabilities;
(d The names and positions of persons administering the plan;
(e) The names and positions of persons investing plan assets;
(f The form and nature of investments;
(g) For each defined contribution plan established pursuant to section 79-979, a full description of investment policies and options available to plan participants;
(h) For each defined benefit plan established pursuant to section 79-979, the number of members who are eligible for a benefit and the total present value of such members' benefits, as well as the funding sources which will pay for such benefits; and

(i) If a plan established pursuant to section 79-979 contains no current active participants, the administrator may file in place of such report a statement with the Public Employees Retirement Board indicating the number of retirees still drawing benefits, and the sources and amount of funding for such benefits.

(3) Beginning December 31, 1998, and every four years thereafter, the trustees of a retirement plan established pursuant to section 79-979 shall cause to be prepared one of the following quadrennial reports for each retirement plan, and shall file the same with the Public Employees Retirement Board and submit to the members of the Retirement Systems Committee of the Legislature a copy of each report as follows:

(a) For each defined benefit plan, a full actuarial analysis of each such independent retirement plan established pursuant to section 79-979. The analysis shall be prepared by an independent private organization or public entity employing actuaries who are members in good standing of the American Academy of Actuaries, and which organization or entity has demonstrated expertise to perform this type of analysis and is unrelated to any organization offering investment advice or which provides investment management services to the retirement plan; or

(b) For each defined contribution plan, a financial audit and analysis of the investment return that has been achieved on the assets of each such independent retirement plan established pursuant to section 79-979. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or providing investment management services to the retirement plan, and the audit portion of the report shall be prepared by a certified public accountant.".

2. On page 3, line 13, strike "commission" and insert "Nebraska Association of Resources Districts as organized under the Interlocal Cooperation Act".

3. On page 4, lines 10 and 15, strike "commission" and insert "association".

4. On page 46, line 28, strike "and 23-3526" and insert "23-3526, and 79-987".

5. On page 51, line 11, strike "and 23-3526" and insert "23-3526, and 79-987".

6. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1191.** Placed on General File as amended.
Standing Committee amendment to LB 1191:
AM3180

1. Strike section 5 and insert the following new sections:

"Sec. 4. All contributions to the retirement system, all property and rights purchased with the contributions, and all investment income attributable to the contributions, property, or

rights shall be held in trust by the State of Nebraska for the exclusive benefit of members and their beneficiaries and shall only be used to pay benefits to such persons and to pay administrative expenses according to the provisions of the County Employees Retirement Act.

Sec. 5. Upon termination or partial termination of the retirement system or upon complete discontinuance of contributions under the retirement system, the rights of all affected members to the amounts credited to the members' accounts shall be nonforfeitable.

Sec. 6. Section 23-2331, Reissue Revised Statutes of Nebraska, is amended to read:

23-2331. Sections 23-2301 to 23-2332 and sections 4 and 5 of this act shall be known and may be cited as the County Employees Retirement Act.

Sec. 8. Section 24-701.01, Revised Statutes Supplement, 1997, is amended to read:

24-701.01. Sections 24-701 to 24-714 and sections 9 and 10 of this act shall be known and may be cited as the Judges Retirement Act.

Sec. 9. All contributions to the retirement system, all property and rights purchased with the contributions, and all investment income attributable to the contributions, property, or rights shall be held in trust by the State of Nebraska for the exclusive benefit of members and their beneficiaries, and shall only be used to pay benefits to such persons and to pay administrative expenses according to the provisions of the Judges Retirement Act.

Sec. 10. Upon termination or partial termination of the retirement system or upon complete discontinuance of contributions under the retirement system, the rights of all affected members to benefits accrued to the date of such termination, partial termination, or discontinuance, to the extent funded as of such date, shall be nonforfeitable.

Sec. 11. Section 79-901, Revised Statutes Supplement, 1997, is amended to read:

79-901. Sections 79-901 to 79-977.01 and sections 17 and 18 of this act shall be known and may be cited as the School Employees Retirement Act.

Sec. 17. All contributions to the retirement system, all property and rights purchased with the contributions, and all investment income attributable to the contributions, property, or rights shall be held in trust by the State of Nebraska for the exclusive benefit of members and their beneficiaries and shall only be used to pay benefits to such persons and to pay administrative expenses according to the provisions of the School Employees Retirement Act.

Sec. 18. Upon termination or partial termination of the retirement system or upon complete discontinuance of contributions

under the retirement system, the rights of all affected members to benefits accrued to the date of such termination, partial termination, or discontinuance, to the extent funded as of such date, shall be nonforfeitable.

Sec. 21. Section 81-2014.01, Revised Statutes Supplement, 1997, is amended to read:

81-2014.01. Sections 81-2014 to 81-2036 and sections 23 and 24 of this act shall be known and may be cited as the Nebraska State Patrol Retirement Act.

Sec. 23. All contributions to the retirement system, all property and rights purchased with the contributions, and all investment income attributable to the contributions, property, or rights shall be held in trust by the State of Nebraska for the exclusive benefit of members and their beneficiaries and shall only be used to pay benefits to such persons and to pay administrative expenses according to the provisions of the Nebraska State Patrol Retirement Act.

Sec. 24. Upon termination or partial termination of the retirement system or upon complete discontinuance of contributions under the retirement system, the rights of all affected members to benefits accrued to the date of such termination, partial termination, or discontinuance, to the extent funded as of such date, shall be nonforfeitable.

Sec. 28. All contributions to the retirement system, all property and rights purchased with the contributions, and all investment income attributable to the contributions, property, or rights shall be held in trust by the State of Nebraska for the exclusive benefit of members and their beneficiaries and shall only be used to pay benefits to such persons and to pay administrative expenses according to the provisions of the State Employees Retirement Act.

Sec. 29. Upon termination or partial termination of the retirement system or upon complete discontinuance of contributions under the retirement system, the rights of all affected members to the amounts credited to the members' accounts shall be nonforfeitable.

Sec. 30. Section 84-1331, Revised Statutes Supplement, 1997, is amended to read:

84-1331. Sections 84-1301 to 84-1331 and sections 28 and 29 of this act shall be known and may be cited as the State Employees Retirement Act.".

2. On page 43, line 16, strike "23-2319" and insert "84-1321".

3. On page 51, strike beginning with "and" in line 16 through the underscored comma in line 18.

4. On page 52, line 21, strike the new matter and reinstate the stricken matter.

5. On page 54, line 9, after the last comma insert "23-2331,"; in line 12 strike "48-1401," and insert "24-701.01,

79-901,"; and in line 13 after "79-9,113," insert "81-2014.01," and after "84-1307," insert "84-1331,".

6. Renumber the remaining sections and correct internal references accordingly.

(Signed) Ray Janssen, Chairperson

**Health and Human Services**

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rural Health Advisory Commission
Janet Fletcher
Diane Schlotman
Michael Sitorius

Foster Care Review Board
Carlene Bourn
Steven Renteria

VOTE: Aye: Senators Wesely, Matzke, Jensen, Suttle, Thompson, and Witek. Nay: None. Absent: Senator Dierks.

(Signed) Don Wesely, Chairperson

**AMENDMENTS - Print in Journal**

Messrs. Brashear, Chambers, Kristensen, and Landis filed the following amendment to LB 404:
FA510
Amend AM3139
On page 2, line 11, strike "In" and insert "Before July 1, 2000," and in line 12 before the period insert "and, on and after July 1, 2000, there shall be sixteen judges of the district court".

Mr. Brashear filed the following amendment to LB 404:
AM3154

(Amendments to AM0968)

1. Insert the following new section:

"Sec. 3. Section 24-806, Reissue Revised Statutes of Nebraska, is amended to read:

24-806. (1) Lawyer members and alternate lawyer members of any judicial nominating commission shall be members of the bar of the State of Nebraska and shall reside in the judicial district or area of the state served by the commission except as provided in subsection (2) of this section. Not more than two lawyer members of each commission shall be registered members of the same

political party or category, and not more than two alternate lawyer members shall be registered members of the same political party or category. Nominations for lawyer members of each commission shall be solicited in writing by the Clerk of the Supreme Court from all the lawyers of the district or area served on or before September 1 of each even-numbered year. Nominations of lawyer members shall be made in writing and filed in the office of the Clerk of the Supreme Court on or before October 1 of each even-numbered year. Each nomination of a lawyer member shall be accompanied by a written consent of the nominee to serve as a member of the commission if elected. The nominations shall be solicited and distributed on the ballot by the Clerk of the Supreme Court from the legally recognized political parties and in such a manner as will permit the final selection to be made within the required political party. ~~At least two qualified lawyers shall be nominated for each position.~~

(2) If solicited nominations are insufficient ~~insufficient nominations are made~~ to provide ~~two~~ candidates from the permissible political parties for each vacancy, the Executive Council of the Nebraska State Bar Association, within ten days after the last day for filing nominations, shall nominate additional candidates for the position so that there shall be a ~~two~~ qualified candidate ~~candidates~~ for each position. Such candidates need not reside in the judicial district or area served by such judicial nominating commission.

(3) The Clerk of the Supreme Court shall mail a ballot with the name of each nominee to all members of the bar of Nebraska residing in the judicial district or area designating a date at least ten days and not more than fourteen days after the date of such mailing by the Clerk of the Supreme Court when the ballots will be opened and counted. The ballots shall be counted by a board consisting of the Clerk of the Supreme Court, the Secretary of State, and the Attorney General or by alternates designated by any of them to serve in his or her place. The Clerk of the Supreme Court shall insure that the election is so conducted as to maintain the secrecy of the ballot and the validity of the results. The candidate of the required political party receiving the highest number of votes shall be considered as having been elected to the commission. The candidate of the required political party receiving the next highest number of votes shall be considered as having been elected an alternate lawyer member of the commission and shall serve as a lawyer member of the commission in the event of a lawyer member vacancy of the same political party or category on the commission created either by resignation or disqualification. In the case of a resignation, an alternate lawyer member shall continue to serve as a member of the commission until the term of office of his or her predecessor expires.

(4) In any election when more than one lawyer member of a judicial nominating commission is to be elected, the nominees shall

be submitted without designation of the term. Each voter shall be instructed to vote for as many nominees as there are vacancies to be filled. The candidate receiving the highest number of votes shall be considered as having been elected for the longest term. The candidate receiving the next highest number of votes shall be deemed to have been elected for next to the longest term, and if an alternate lawyer member or members are to be elected, the candidate or candidates receiving the third and fourth highest number of votes shall be deemed elected as the alternate lawyer member or members. In case of ties the determination shall be made by lot by the counting board.".

2. On page 4, line 22, strike "and 24-503" and insert ", 24-503, and 24-806".

3. Renumber the remaining sections accordingly.

Mr. Brashear filed the following amendment to LB 404:
AM3155

(Amendments to AM0968)

1. Insert the following new sections:

"Sec. 3. The Nebraska County Court Judges Association is hereby created which shall consist of all the active judges of the county courts of this state and their successors in office. The association shall:

(1) Meet at least once during each calendar year;

(2) Select from its membership officers thereof; and

(3) Adopt such bylaws and rules as may be necessary or proper for the conduct of its meetings, the exercise of its powers, and the performance of its duties and delegate to one or more of its members such powers as the association deems necessary to carry out its responsibilities.

Sec. 4. Section 25-2905, Reissue Revised Statutes of Nebraska, is amended to read:

25-2905. The Advisory Council on Dispute Resolution is hereby created. The council shall be comprised of individuals from a variety of disciplines who are trained and knowledgeable in mediation and selected to be representative of the geographical and cultural diversity of the state and to reflect gender fairness. The council shall consist of eleven voting members. The membership shall include a representative from the Nebraska District Court Judges Association, the Nebraska County Court Judges Association, and the Nebraska State Bar Association. The council shall be appointed by the Supreme Court or a designee. Nominations shall be solicited from the Nebraska District Court Judges Association, the Nebraska County Court Judges Association, the Nebraska State Bar Association, the Nebraska Mediation Coalition, the Public Counsel, social workers, mental health professionals, educators, and other interested groups or individuals. The Supreme Court or its designee shall not be restricted to the solicited list of nominees in making its appointments. Two nonvoting, ex officio members

shall be appointed by the council from among the approved centers.".

2. On page 4, line 22, strike "and 24-503" and insert ", 24-503, and 25-2905".

3. Renumber the remaining sections accordingly.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 951A.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 951, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

## VISITORS

Visitors to the Chamber were Jim Ourada from Overton; Mike Shada from Kearney; 90 students and teachers from Lancaster County High Schools; former Senator Thomas Fitzgerald from Omaha; Ron Woollen from Wilcox; 70 Government Day students from York and Milford High Schools; students from Brian High School, Omaha; Rob Winter and Ken Meyer from Scottsbluff and Gary Schmucker from Gering; and Chris, Amber, and Abbie Klein and Tommi Serrs from Harvard.

## ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, February 19, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TWENTY-EIGHTH DAY – FEBRUARY 19, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 19, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen 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, Brashear, Hartnett, Landis, Matzke, Robinson, Wehrbein, Wickersham, Will, Mmes. Bohlke, Kiel, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

## STANDING COMMITTEE REPORTS
### Nebraska Retirement Systems

**LEGISLATIVE BILL 1192.** Placed on General File as amended.
Standing Committee amendment to LB 1192:
AM3181

1. Strike section 9.

2. On page 44, line 8, after the underscored semicolon insert "and"; in line 9, strike "develop" and insert "adopt"; and strike beginning with the underscored semicolon in line 15 through "act" in line 18.

3. Renumber the remaining sections and correct internal references accordingly.

(Signed) Ray Janssen, 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.

Nebraska Highway Commission
John McClellan Jr.
Donna M. Wanitschke

Nebraska Railway Council
Michael D. Shannon

VOTE: Aye: Senators Elmer, Matzke, C. Peterson, Robinson, Thompson, and Bromm. Nay: None. Absent: Senators Coordsen and Dw. Pedersen.

(Signed) Curt Bromm, Chairperson

## WITHDRAW - Motions to LB 939

Mr. Chambers withdrew his motion, found on page 611 and considered on page 659, to bracket LB 939 until April 22, 1998.

Mr. Chambers withdrew his motion, found on page 611, to return LB 939 to the appropriate committee.

Mr. Coordsen withdrew his motion, found on page 661, to bracket LB 939 until March 3, 1998.

## WITHDRAW - Amendment to LB 939

Mr. Chambers withdrew his amendment, FA489, found on page 611, to LB 939.

## UNANIMOUS CONSENT - Bracket LB 939

Mr. Chambers asked unanimous consent to bracket LB 939 until March 3, 1998. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 309.** The first Standing Committee amendment, FA495, referred to on page 641, was renewed.

The Chambers pending amendment, FA500, found on page 642, to the first Standing Committee amendment, was renewed.

Mmes. Hillman, Robak, and Mr. Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

**PRESIDENT ROBAK PRESIDING**

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 323.** Placed on General File as amended.
(Standing Committee amendment, AM2705, 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 442.** Placed on General File as amended.
Standing Committee amendment to LB 442:
AM3145

1. On page 2, line 11, after "States" insert "and the seller or lessor is the party that imported the product to the United States".

**LEGISLATIVE BILL 885.** Placed on General File as amended.
Standing Committee amendment to LB 885:
AM3148

1. Strike the original sections and insert the following new sections:

"Section 1. (1) There is hereby established the Child Support Commission composed of the following members:

(a) Two professionals who work in the field of economics, mathematics, or other field relevant to the area of child support;

(b) Two judges whose jurisdiction includes domestic relations;

(c) Two members of the Nebraska State Bar Association who practice domestic relations;

(d) Two members of the Legislature;

(e) A custodial parent; and

(f) A noncustodial parent.

(2) The members of the commission shall be appointed as follows:

(a) The Supreme Court shall appoint one member under subdivision (1)(a) and the members under subdivisions (1)(b) and (1)(c).

(b) The Executive Board of the Legislative Council shall appoint one member under subdivision (1)(a) and the members under subdivisions (1)(d), (1)(e), and (1)(f). In making the appointments, the Supreme Court and the Executive Board shall be cognizant of the gender, ethnic background, and geographic location of the appointees.

(3) Members of the commission shall be appointed no later than July 1, 1998, and every two years thereafter. If a vacancy occurs, the vacancy shall be filled from the same group that was represented by the outgoing member. The new member shall serve for the remainder of the unexpired term.

Sec. 2. Members of the Child Support Commission shall serve without compensation, but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 3. The Child Support Commission shall have the authority to hire, contract, or otherwise obtain the services of consultants, researchers, aides, and other necessary support staff with the prior approval of the chairperson of the Executive Board of the Legislative Council.

Sec. 4. (1) The Child Support Commission shall review the child support guidelines adopted by the Supreme Court. The commission shall make recommendations, if appropriate, concerning any amendments to the guidelines. Whenever practicable, the commission shall base its recommendations on economic data and statistics collected in the State of Nebraska. In reviewing the guidelines and formulating recommendations, the commission may conduct public hearings around the state. In addition, the commission shall consider all relevant matters including, but not limited to, the following:

(a) The mathematics pertaining to the child support guideline tables;

(b) The actual costs of supporting a child;

(c) Whether it is appropriate to calculate child support guideline amounts based primarily upon the ability of the parent to pay rather than upon the financial needs of the child;

(d) Equality of child support awards for the children of the parties, regardless of birth order;

(e) A mechanism that may be employed to modify the amount of child support to be paid due to a change in financial circumstances or a change in the number of children being supported by either parent;

(f) The age of a child to the extent that the child may require different amounts of child support at different ages;

(g) Clarification regarding under what circumstances, if any, child support may be abated;

(h) A mechanism that may be employed to ensure that the child support guidelines are applied flexibly; and

(i) Whether it is appropriate to base child support guidelines upon the premise that the child should enjoy the same standard of living that the child would have enjoyed had the family remained intact.

(2) The commission shall present an annual report of its recommendations to the Supreme Court and the Executive Board of the Legislative Council by no later than January 1 of each year.

(3) The Supreme Court shall review the commission's report. The Supreme Court may amend its child support guidelines based upon the commission's recommendations.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

**LEGISLATIVE BILL 818.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 225, 320, 777, 799, 799A, 822, and 822A.

### Enrollment and Review Change to LB 320

The following changes, required to be reported for publication in the Journal, have been made:
ER9120

1. In the Bohlke amendment, AM3158:

a. Section 12 has been renumbered as section 15; and

b. On page 2, line 16 "11" has been struck and "14" inserted.

2. In the Bromm et al. amendment, AM3031:

a. On page 1, line 16, "minors" has been struck and "persons less than twenty-one years of age" inserted; and

b. On page 2, line 9, "10, 11, and 12" has been struck and "12, 13, and 14" inserted; and in line 13 "10" has been struck and "12" inserted.

3. In the E & R amendments, AM7193, on page 17, line 23, "60-4,125" has been struck and "60-4,124 to 60-4,126, 60-4,142" inserted.

4. On page 1, line 2, "60-490," has been inserted after the first comma; in line 6 "operators' licenses," has been inserted after the first "to" and ", and state identification cards" has been inserted after "permits"; and in line 7 "and change" has been inserted after "provide".

### Enrollment and Review Change to LB 822

The following changes, required to be reported for publication in the Journal, have been made:
ER9121

1. In the Standing Committee amendment, AM2743, on page 1, line 13, an underscored comma has been inserted after "system"; and in line 16 "and" has been inserted after the second comma.

(Signed) Jon C. Bruning, Chairperson

**NOTICE OF COMMITTEE HEARING**
**Education**

Friday, March 20, 1998 1:15 p.m.
Educational Lands and Funds Board
Margaretha Kloepping
John D. Feller

(Signed) Ardyce L. Bohlke, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 309.** The Chambers pending amendment, FA500, found on page 642 and considered in this day's Journal, to the first Standing Committee amendment, was renewed.

Mr. Chambers withdrew his amendment.

Messrs. Bruning and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the first Standing Committee amendment:
FA511
Amend FA495
On page 2:
A. in line 11 change "five" to "four"
B. in line 22 change "five" to "six"

The Beutler amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Wickersham and Mrs. Bohlke 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. Chambers offered the following amendment to the first Standing Committee amendment:
FA512
Amend FA495
P. 8, line 25, strike "shall" and reinstate "may".

Mmes. Suttle, Hillman, Robak, and Mr. Lynch 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.

The Chambers amendment lost with 7 ayes, 26 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

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

Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA514
Amend FA495
P. 8, line 27, strike "operator" and reinstate "owner",

Mr. Chambers withdrew his amendment.

Mr. Bromm offered the following amendment to the first Standing Committee amendment:
AM3190
(Amendments to Standing Committee amendments, AM0767)

1. On page 8, line 23, strike "any law or laws of this state" and insert "section 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02"; in line 25 reinstate "may" and strike "shall"; and in line 27 reinstate "owner" and strike "operator".

2. On page 9, line 1, after the underscored period insert "If such operator's license is suspended, revoked, or impounded pursuant to sections 60-6,196, 60-6,197, 60-6,205, 60-6,206, 60-6,211.01, or 60-6,211.02, the motor vehicle shall be impounded for not less than ten days nor more than thirty days."; and in line 3 reinstate "thirty" and strike "ten".

3. On page 10, after line 13, insert

"If the registered owner of a motor vehicle was not the operator of the motor vehicle whose actions caused the motor vehicle to be impounded, the registered owner of the motor vehicle may recover civilly from the operator of the motor vehicle all expenses incurred by reason of the impoundment. In the case of a criminal action, the court may order such operator of the motor vehicle to pay restitution to the registered owner in an amount equal to any expenses incurred with respect to impoundment.".

Messrs. Landis, Wesely, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Bromm amendment was adopted with 39 ayes, 0 nays, and 10 excused and not voting.

The Chair declared the call raised.

The first Standing Committee amendment, FA495, as amended, was adopted with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

The second Standing Committee amendment is as follows:
(FA496 is sections 8 and 9 of the Standing Committee amendment.)

The second Standing Committee amendment was adopted with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

The third Standing Committee amendment is as follows:
(FA497 is sections 11, 12, 13, 14, and 15 of the Standing Committee amendment.)

The third Standing Committee amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Mr. Will withdrew his amendment, AM2816, found on page 617.

Mr. Dw. Pedersen withdrew his amendment, AM1259, found on page 1300, First Session, 1997.

The fourth Standing Committee amendment is as follows:
(FA498 is sections 10, 16, 17, 18, 19, 20, 21, 22, and 23 of the Standing Committee amendment.)

The fourth Standing Committee amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

## STANDING COMMITTEE REPORTS
### Health and Human Services

**LEGISLATIVE BILL 1140.** Placed on General File.
**LEGISLATIVE BILL 1267.** Placed on General File.
**LEGISLATIVE BILL 1337.** Placed on General File.

**LEGISLATIVE BILL 92.** Placed on General File as amended.
Standing Committee amendment to LB 92:
AM2943

1. On page 2, line 6, after the first comma insert "licensed"; and strike lines 15 through 28.

2. On page 3, strike line 1.

**LEGISLATIVE BILL 783.** Placed on General File as amended.
(Standing Committee amendment, AM2894, 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 842.** Placed on General File as amended.
Standing Committee amendment to LB 842:
AM2789

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Interior Designer Regulation Act.

Sec. 2. In order to safeguard life, health, and property and to promote the public welfare, the profession of interior designer is declared to be subject to regulation in the public interest. It is unlawful for any person to use in connection with his or her name or otherwise assume the title registered interior designer. The use of the title registered interior designer is a privilege granted by the state through the board based on the rules and regulations of the board and the qualifications of the individual as evidenced by a certificate of registration which is not transferable.

Sec. 3. For purposes of the Interior Designer Regulation Act, the definitions found in sections 4 to 7 of this act shall be used.

Sec. 4. Board means the Board of Registered Interior Design Profession.

Sec. 5. Interior designer means an individual who administers contracts for fabrication, procurement, or installation in the implementation of space planning, designs, drawings, and specifications for any interior design project and offers or furnishes professional services, such as consultation, studies, drawings, specifications in connection with the location of lighting fixtures and lamps, specifications of ceiling finishes as reflected in ceiling plans, finish and specifications, furnishing, and interior construction which does not materially affect the building mechanical, structural, or electrical systems.

Sec. 6. Registered interior designer means an interior designer who meets the criteria of education, experience, and examination in the rendering of interior design services established by the board through registration as an interior designer.

Sec. 7. Registration means a certificate of registration and registration number issued by the board.

Sec. 8. Professional architects may be registered as registered interior designers. An architect shall not refer to himself or herself as a registered interior designer unless he or

she is registered under the Interior Designer Regulation Act.

Sec. 9. (1) The Board of Registered Interior Design Profession is created. The board shall consist of the Secretary of State and four members appointed by the Governor. The appointed members shall consist of three interior designers and one member of the public. The Dean of the College of Architecture of the University of Nebraska, or his or her designee, shall serve on the Board in an ex officio capacity. Within one year of appointment to the board, the initial interior designer members shall become registered under the Interior Designer Regulation Act. Thereafter, all interior designer members of the board shall be registered interior designers.

(2) The term of office of each appointed member shall be four years, except that of the initial members, two shall be appointed for terms of two years. Before a member's term expires, the Governor shall appoint a successor to take office on the expiration of the members' term. A member shall continue to serve after the expiration of his or her term until a successor is appointed and qualified. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(3) The members of the board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(4) The board may employ such persons as may be necessary to carry out the act, fix the salaries of such employees, and make such other expenditures as are necessary to properly carry out the act. All remuneration, expenses, salaries, and expenditures shall be paid out of the Interior Designer Regulation Fund.

(5) The Secretary of State shall keep a record of all the proceedings, transactions, communications, and official acts performed pursuant to the act and perform such other duties as may be necessary to carry out the intent and purpose of the act.

Sec. 10. It shall be the duty of the board to (1) adopt and promulgate rules and regulations to administer the Interior Designer Regulation Act, (2) enforce the act and rules and regulations, including enforcement against any person who misrepresents himself or herself as being registered, (3) establish educational requirements for registration as a registered interior designer, (4) establish examination requirements for registration as a registered interior designer, (5) establish experience requirements for registration as a registered interior designer, (6) establish a code of ethics for registered interior designers, (7) establish fees for initial registration as a registered interior designer, not to exceed one hundred dollars, and (8) establish annual renewal fees for a registered interior designer, not to exceed sixty-five dollars. Any person with six years of documented full-time experience in the field of interior design who desires to be a registered interior designer but who does not have the interior design education required by the board may apply to

the board for registration until January 1, 2002.

Sec. 11. A code of ethics shall be established by the board through rules and regulations, by which the members of the interior design profession shall govern their professional conduct. The code of ethics shall be beneficial to the state and shall safeguard the life, health, and property of the citizens of this state.

Sec. 12. An individual shall not engage in the use of the title registered interior designer unless he or she is registered under the Interior Designer Regulation Act.

Sec. 13. The Interior Design Regulation Act shall not be construed to require use of a registered interior designer in residential design or in the furtherance of a retail sale.

Sec. 14. The Interior Designer Regulation Fund is created. The Secretary of State shall receive and account for all money derived from the operation of the Interior Designer Regulation Act through fees and shall remit the money to the State Treasurer for credit to the fund. At no time shall the total amount of warrants for expenses of the board exceed the total amount of the fees collected under the act and to the credit of 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.

Sec. 15. This act becomes operative on January 1, 1999.".

**LEGISLATIVE BILL 1091.** Placed on General File as amended.
Standing Committee amendment to LB 1091:
AM3166

1. Insert the following new section:

"Sec. 5. 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, certified nurse midwives 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.".

2. On page 3, lines 8 through 11, strike the new matter and reinstate the stricken matter.

3. On page 5, line 7, strike "and 71-1754" and insert "71-1754, and 71-2048.01".

4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1165.** Indefinitely postponed.
**LEGISLATIVE BILL 1257.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

## MESSAGE FROM THE GOVERNOR

February 19, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Ethanol Board.

APPOINTEE: Michael P. Alberts, 2004 East 24th Road, Marquette, NE 68854

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## AMENDMENT - Print in Journal

Mr. Raikes filed the following amendment to LB 611:
AM3197

1. Insert the following new section:
"Sec. 2. Section 77-1344, Revised Statutes Supplement, 1997, is amended to read:
77-1344. (1) Any land which has an actual value as defined in 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 eighty percent of its actual value for agricultural or horticultural use pursuant to sections 77-1359 to 77-1363 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. The

special valuation provisions may be applicable to real property included within the corporate boundaries of a city or village if the real property is subject to a conservation or preservation easement as provided in the Conservation and Preservation Easements Act and the governing body of the city or village approves the agreement creating the easement. 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. No land which has an actual value as defined in section 77-112 reflecting a potential use other than agricultural or horticultural use shall be valued at eighty percent of its actual value for agricultural or horticultural use 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 the levy date of the same year, it shall be valued at its actual value as defined by section 77-112 without regard to this section. If the land becomes disqualified after the date of levy, its valuation for that year shall continue as provided in this section.".

2. On page 2, line 22, strike "is" and insert "and section 77-1344, Revised Statutes Supplement, 1997, are".

3. Renumber the remaining section accordingly.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1041A.** 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 1041, Ninety-fifth Legislature, Second Session, 1998; to reduce an appropriation; and to declare an emergency.

## MOTION - Print in Journal

Mrs. Robak filed the following motion to LB 1112:

Place LB 1112 on General File notwithstanding the action of the Banking, Commerce and Insurance Committee.

## ANNOUNCEMENTS

Mr. Coordsen announced the Executive Board will hold an executive session Friday, February 20, 1998, at 8:30 a.m., in Room 2102.

Mr. Brashear designates LB 1099 as his priority bill.

## MOTION - Print in Journal

Mrs. Robak filed the following motion to LB 83:
Place LB 83 on General File pursuant to Rule 3, Section 19(b).

## VISITORS

Visitors to the Chamber were 44 members of the Leadership Tomorrow from Grand Island and Hastings; and 35 tenth, eleventh, and twelfth grade students and sponsors from Omaha.

The Doctor of the Day was Dale Michels from Walton.

## ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Friday, February 20, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# TWENTY-NINTH DAY – FEBRUARY 20, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 20, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Pastor Mark Hannemann, Faith Lutheran Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Hilgert and Mrs. Robak who were excused; and Messrs. Abboud, Dierks, Jones, Landis, Matzke, Schrock, Tyson, Will, Mmes. Bohlke, Hillman, and Kiel who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

## UNANIMOUS CONSENT - Member Excused

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

## MESSAGE FROM THE GOVERNOR

February 19, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, and 904 were received in my office on February 13, 1998.

These bills were signed by me on February 19, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 19, 1998, 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

Bredthauer, Trudy - Omaha; Nebraska Methodist Health System, Inc.; Omaha Public Schools
Deever, Howard H. - Omaha; Nebraska Self-Insurers Association
Haman, Larry - Omaha; ConAgra, Inc.
Harvey, William F. (Withdrawn 02/13/1998) - Omaha; Big Red Keno Ltd.
Kay, Sara A. - Lincoln; EnTire Recycling, Inc.
Lombardi-Erickson/American Communications Group
Lombardi, Richard A. - Lincoln; Nebraska Academy of Physician Assistants; Nebraska Speech, Language, & Hearing Association
McCullough, Mardy - Lincoln; Nebraska Land Title Association
Merrill, Marsha (Withdrawn 02/17/1998) - Lincoln; Alliance for Mentally Ill
O'Hara & Associates, Inc.
O'Hara, Paul V. - Lincoln; ADT Automotive, Inc.
Pappas, James E. - Lincoln; Nebraska Pork Producers Association, Inc.
Peters, Paul J. - Pender; Nebraska Pork Producers Association, Inc.
Quirk, Deb Hardin - Lincoln; Nebraska Democratic Party
Scarpello, Sam M. - Beaver Lake; Omaha Building & Construction Trades Council

## STANDING COMMITTEE REPORT
### Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Neil B. Danberg Jr. - Accountability and Disclosure Commission

VOTE: Aye: Senators Robinson, Janssen, Tyson, Schmitt, Schimek,

Willhoft, and Vrtiska. Nay: None. Absent: Senator Cudaback.

(Signed) C. N. "Bud" Robinson, Chairperson

## ANNOUNCEMENT

The Urban Affairs Committee designates LB 1259 and LB 876 as its priority bills.

## MOTIONS - Approve Appointments

Mr. Brashear moved the adoption of the report of the Judiciary Committee for the following appointment found on page 652: James A. Pearson - Board of Parole.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Maurstad | Raikes | Thompson |
| Brashear | Elmer | Pedersen, Dw. | Schellpeper | Vrtiska |
| Bromm | Engel | Pederson, D. | Schimek | Wesely |
| Brown | Hudkins | Peterson, C. | Stuhr | Willhoft |
| Bruning | Janssen | Preister | Suttle | Witek |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | Cudaback | Jensen | Robinson | Wehrbein |
| Coordsen | Hartnett | Lynch | Schmitt | Wickersham |

Excused and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Kiel | Matzke | Tyson |
| Bohlke | Hillman | Kristensen | Robak | Will |
| Dierks | Jones | Landis | Schrock | |

The appointment was confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 675: Michael P. Alberts, Clinton K. Jensen, and Ronald Stoddard - Nebraska Ethanol Board; Frank P. Giltner - Nebraska Environmental Trust Board; and Thomas M. Sonntag and Marquis Reed Gilmore - Nebraska Oil and Gas Conservation.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Brown | Chambers | Cudaback | Hudkins |
| Bromm | Bruning | Crosby | Engel | Janssen |

| | | | | |
|---|---|---|---|---|
| Maurstad | Preister | Schellpeper | Suttle | Wesely |
| Pedersen, Dw. | Raikes | Schimek | Thompson | Willhoft |
| Peterson, C. | Robinson | Stuhr | Vrtiska | Witek |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Brashear | Elmer | Jensen | Pederson, D. | Wehrbein |
| Coordsen | Hartnett | Lynch | Schmitt | Wickersham |

Excused and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Kiel | Matzke | Tyson |
| Bohlke | Hillman | Kristensen | Robak | Will |
| Dierks | Jones | Landis | Schrock | |

The appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mrs. Suttle moved the adoption of the report of the Education Committee for the following appointments found on page 675: Eric Seacrest, Dr. Helen Morten, David Brandt, and Dr. Keith Vrbicky - Commission on Postsecondary Education.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Pedersen, Dw. | Schellpeper | Tyson |
| Bromm | Hartnett | Peterson, C. | Schimek | Vrtiska |
| Brown | Hudkins | Preister | Stuhr | Wehrbein |
| Bruning | Janssen | Raikes | Suttle | Wesely |
| Crosby | Jensen | Robinson | Thompson | Willhoft |
| Cudaback | Maurstad | | | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Brashear | Coordsen | Lynch | Schmitt | Witek |
| Chambers | Elmer | Pederson, D. | Wickersham | |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Kiel | Matzke | Schrock |
| Bohlke | Hillman | Kristensen | Robak | Will |
| Dierks | Jones | Landis | | |

The appointments were confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 688: Janet Fletcher, Diane Schlotman, and Michael Sitorius - Rural Health Advisory Commission; and Carlene Bourn and Steven Renteria - Foster Care Review Board.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Hudkins | Peterson, C. | Schmitt | Wehrbein |
| Bromm | Janssen | Preister | Stuhr | Wesely |
| Bruning | Jensen | Raikes | Suttle | Wickersham |
| Crosby | Landis | Schellpeper | Thompson | Willhoft |
| Engel | Maurstad | Schimek | Vrtiska | Witek |
| Hartnett | Pedersen, Dw. | | | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Brashear | Chambers | Cudaback | Lynch | Robinson |
| Brown | Coordsen | Elmer | Pederson, D. | Tyson |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Kiel | Matzke | Schrock |
| Bohlke | Hillman | Kristensen | Robak | Will |
| Dierks | Jones | | | |

The appointments were confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Bromm moved the adoption of the report of the Transportation Committee for the following appointments found on page 694: John McClellan Jr. and Donna M. Wanitschke - Nebraska Highway Commission; and Michael D. Shannon - Nebraska Railway Council.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Bromm | Hudkins | Peterson, C. | Stuhr | Wehrbein |
| Bruning | Janssen | Preister | Suttle | Wesely |
| Crosby | Jensen | Robinson | Thompson | Wickersham |
| Cudaback | Landis | Schellpeper | Tyson | Willhoft |
| Elmer | Maurstad | Schimek | Vrtiska | Witek |
| Engel | Pedersen, Dw. | | | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Brown | Coordsen | Lynch | Raikes |
| Brashear | Chambers | Hartnett | Pederson, D. | Schmitt |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Kiel | Matzke | Schrock |
| Bohlke | Hillman | Kristensen | Robak | Will |
| Dierks | Jones | | | |

The appointments were confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

## STANDING COMMITTEE REPORTS

### Transportation

**LEGISLATIVE BILL 973.** Placed on General File.
**LEGISLATIVE BILL 1171.** Placed on General File.

(Signed) Curt Bromm, Chairperson

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 907.** Indefinitely postponed.
**LEGISLATIVE BILL 1112.** Indefinitely postponed.
**LEGISLATIVE BILL 1164.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

### Judiciary

**LEGISLATIVE BILL 987.** Placed on General File.
**LEGISLATIVE BILL 1224.** Placed on General File.

**LEGISLATIVE BILL 1102.** Placed on General File as amended.
(Standing Committee amendment, AM3191, 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 314CA.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

## ANNOUNCEMENT

The Executive Board designates LR 25CA and LR 313CA as its priority resolutions.

## GENERAL FILE

**LEGISLATIVE BILL 1053.** Title read. Considered.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Maurstad offered the following amendment:
FA515
1. Strike Section 14
2. On page 9, line 24, strike "1998" and insert "1999"

**SPEAKER KRISTENSEN PRESIDING**

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Mr. Maurstad moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Ms. Schimek requested a roll call vote, in reverse order, on the Maurstad amendment.

Voting in the affirmative, 24:

| | | | | |
|---|---|---|---|---|
| Beutler | Bruning | Hudkins | Pedersen, Dw. | Schrock |
| Bohlke | Coordsen | Jensen | Peterson, C. | Vrtiska |
| Brashear | Crosby | Jones | Preister | Wehrbein |
| Bromm | Dierks | Kristensen | Raikes | Witek |
| Brown | Elmer | Maurstad | Robinson | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Hillman | Landis | Pederson, D. | Suttle | Wesely |
| Janssen | Lynch | Schimek | Thompson | Wickersham |
| Kiel | Matzke | Schmitt | Tyson | Willhoft |

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Hartnett | Schellpeper |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Engel | Robak | Stuhr | Will |
| Cudaback | Hilgert | | | |

The Maurstad amendment lost with 24 ayes, 15 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 7 ayes, 19 nays, and 23 not voting.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Maurstad asked unanimous consent to bracket LB 1053 until March 15, 1998.

Mr. Chambers objected.

Mr. Maurstad moved to bracket LB 1053 until March 15, 1998.

Messrs. Brashear and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

**MRS. CROSBY PRESIDING**

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

Pending.

## STANDING COMMITTEE REPORTS
### Natural Resources

**LEGISLATIVE BILL 956.** Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

### Executive Board

**LEGISLATIVE RESOLUTION 313CA.** Placed on General File.

(Signed) George Coordsen, Chairperson

### Revenue

**LEGISLATIVE BILL 1119.** Placed on General File as amended.
Standing Committee amendment to LB 1119:
AM3205
1. On page 2, line 23, after "the" insert "agreed upon".
2. On page 3, line 7, strike "residents of a county who"
and insert "assumed county population which"; in lines 14 and 28

after "the" insert "estimated"; in line 23 strike "of the second class"; and in line 26 strike "number of county residents" and insert "assumed county population".

3. On page 4, lines 11 and 12, strike "for each resident of" and insert "times the assumed population which resides in"; in line 12 after "organization" insert "as calculated in such section"; and in line 19 after "showing" insert "assumed".

4. On page 5, line 11, after the period insert "Funds remaining in the Mutual Finance Assistance Fund on June 1 shall be transferred to the General Fund before July 1.".

**LEGISLATIVE BILL 1136.** Placed on General File as amended.
Standing Committee amendment to LB 1136:
AM3103

1. Insert the following new section:

"Sec. 2. (1) The County Human Services Aid Fund is created. The fund shall be used to distribute money to county governments to provide property tax relief and equalize county capacity to pay for human services from property taxes. The fund shall be distributed annually by the Director of Administrative Services according to the formula created in 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.

(2) The director shall calculate the amount to be distributed to each county as follows:

(a) The county human services aid capacity shall be determined for each county. This amount is the property valuation of the county multiplied by the county local effort rate, which is .05, divided by the number of people living in the county according to the most recent federal decennial census;

(b) The statewide county capacity shall be determined. This amount is the statewide property valuation multiplied by the county local effort rate, which is .05, divided by the population of the state according to the most recent federal decennial census;

(c) The amount of aid due a county shall be determined by subtracting the county human services aid capacity from the statewide aid capacity, and if the result is a positive number, this amount is the amount to be distributed to the county subject to subdivision (d) of this subsection; and

(d) The amount of aid distributed to a county shall not exceed an amount equal to the result of a tax rate of five cents per one hundred dollars valuation on the property valuation of the county, and if there is insufficient money in the fund to provide the amount of aid calculated in this section to each county, the money in the fund shall be distributed proportionately to each eligible county in the same proportion as they would have received had the fund been sufficient to provide full funding.

(3) The Legislature shall appropriate three million

dollars for fiscal year 1998-99 to the fund for purposes of this section.".

**LEGISLATIVE BILL 1190.** Placed on General File as amended.
Standing Committee amendment to LB 1190:
AM3089

1. Insert the following new sections:

"Section 1. Section 66-482, Reissue Revised Statutes of Nebraska, is amended to read:

66-482. For purposes of sections 66-482 to 66-4,149:

(1) Motor vehicle shall have the same definition as in section 60-301;

(2) Motor vehicle fuel shall include all products and fuel commonly or commercially known as gasoline, including casing head or natural gasoline, and shall include any other liquid and such other volatile and inflammable liquids as may be produced, compounded, or used for the purpose of operating or propelling motor vehicles, motorboats, or aircraft or as an ingredient in the manufacture of such fuel. Agricultural ethyl alcohol produced for use as a motor vehicle fuel shall be considered a motor vehicle fuel. Motor vehicle fuel shall not include the products commonly known as methanol, kerosene oil, kerosene distillate, crude petroleum, naphtha, and benzine with a boiling point over two hundred degrees Fahrenheit, residuum gas oil, smudge oil, leaded automotive racing fuel with an American Society of Testing Materials research method octane number in excess of one hundred five, and any petroleum product with an initial boiling point under two hundred degrees Fahrenheit, a ninety-five percent distillation (recovery) temperature in excess of four hundred sixty-four degrees Fahrenheit, an American Society of Testing Materials research method octane number less than seventy, and an end or dry point of distillation of five hundred seventy degrees Fahrenheit maximum;

(3) Agricultural ethyl alcohol shall mean ethyl alcohol produced from cereal grains or agricultural commodities grown within the continental United States, and for the purpose of sections 66-482 to 66-4,149, the purity of the ethyl alcohol shall be determined excluding denaturant and the volume of alcohol blended with gasoline for motor vehicle fuel shall include the volume of any denaturant required pursuant to law;

(4) Alcohol blend shall mean a blend of agricultural ethyl alcohol in gasoline or other motor vehicle fuel, such blend to contain not less than five percent by volume of alcohol;

(5) Supplier shall mean any person who owns motor vehicle fuel imported by barge, barge line, or pipeline and stored at a barge, barge line, or pipeline terminal in this state and any person who refines and stores motor vehicle fuel at a refinery in this state;

(6) Distributor shall mean any person who acquires ownership of motor vehicle fuel directly from a supplier at or from

a barge, barge line, or pipeline terminal in this state;

(7) Wholesaler shall mean any person, other than a supplier, distributor, or importer, who acquires motor vehicle fuel for resale;

(8) Retailer shall mean any person who acquires motor vehicle fuel from a supplier, distributor, wholesaler, or importer for resale to consumers of such fuel;

(9) Importer shall mean any person who owns motor vehicle fuel at the time such fuel enters the State of Nebraska by any means other than barge, barge line, or pipeline. Importer shall not include a person who imports motor vehicle fuel in a tank directly connected to the engine of a motor vehicle, train, watercraft, or airplane for purposes of providing fuel to the engine to which the tank is connected;

(10) Exporter shall mean any person who acquires ownership of motor vehicle fuel from any licensed supplier, distributor, wholesaler, or importer exclusively for use or resale in another state;

(11) Gross gallons shall mean measured gallons without adjustment or correction for temperature or barometric pressure;

(12) Diesel fuel shall mean any fuel defined as diesel fuel in section 66-654;

(13) Compressed fuel shall mean any fuel defined as compressed fuel in section 66-6,100;

(14) Person shall mean any individual, firm, partnership, limited liability company, company, agency, association, corporation, state, county, municipality, or other political subdivision; ~~and~~

(15) Department shall mean the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; and

(16) Semiannual period shall mean either the period which begins on January 1 and ends on June 30 of each year or the period which begins on July 1 and ends on December 31 of each year.

Sec. 3. Section 66-4,141, Reissue Revised Statutes of Nebraska, is amended to read:

66-4,141. (1) Upon receipt of the cost figures required by section 66-4,143, the department shall determine the statewide average cost by dividing the total amount paid for motor vehicle fuel, diesel fuel, and compressed fuel by the State of Nebraska, excluding any state and federal taxes, by the total number of gallons of motor vehicle fuel, diesel fuel, and compressed fuel purchased during the reporting period.

(2) After computing the statewide average cost as required in subsection (1) of this section, the department shall multiply such statewide average cost by the tax rate established pursuant to section 66-4,144.

(3) In making the computations required by subsections (1) and (2) of this section, gallonage reported shall be rounded to the nearest gallon and total costs shall be rounded to the nearest

dollar. All other computations shall be made with three decimal places, except that after all computations have been made the tax per gallon shall be rounded to the nearest one-tenth of one cent.

(4) The tax rate per gallon computed pursuant to this section shall be distributed to all licensed motor vehicle fuel suppliers, distributors, wholesalers, and importers, diesel fuel suppliers, distributors, wholesalers, and importers, compressed fuel retailers, and interstate motor vehicle operators who choose to be subject to sections 66-490 to 66-494 at least five days prior to the first day of any ~~calendar quarter~~ semiannual period during which the tax is to be adjusted. Such tax rate shall be utilized in computing the tax due for the period specified by the department.

Sec. 4. Section 66-4,143, Reissue Revised Statutes of Nebraska, is amended to read:

66-4,143. (1) The materiel administrator of the Department of Administrative Services shall on or before the tenth day of the ~~second~~ fifth calendar month following the end of a ~~calendar quarter~~ semiannual period submit to the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue a report providing the total cost and number of gallons of motor vehicle fuel, diesel fuel, and compressed fuel purchased by the State of Nebraska during the preceding month. In providing such information, the materiel administrator shall total only those purchases which were fifty or more gallons and shall separately identify the amount of any state or federal tax which was included in the price paid.

(2) The department shall provide any assistance the materiel administrator may need in performing his or her duties under this section.

Sec. 5. Section 66-4,144, Revised Statutes Supplement, 1997, is amended to read:

66-4,144. (1) In order to insure that an adequate balance in the Highway Restoration and Improvement Bond Fund is maintained to meet the debt service requirements of bonds to be issued by the commission under subsection (2) of section 39-2223, the Governor may call a meeting of the State Tax Board at any time in advance of the issuance of such bonds. At such meeting, the board shall set the rate of the excise tax imposed by sections 66-4,140, 66-669, and 66-6,108 for each year during which such bonds are outstanding to provide in each such year money equal in amount to not less than one hundred twenty-five percent of such year's bond principal and interest payment requirements. Such rate shall be in addition to the rate of excise tax set pursuant to subsection (2) of this section. Each such rate shall be effective from July 1 of a stated year through June 30 of the succeeding year or during such other period not longer than one year as the board determines to be consistent with the principal and interest requirements of such bonds. Such excise tax rates set pursuant to

this subsection may be increased, but such excise tax rates shall not be subject to reduction or elimination unless the board has received from the Nebraska Highway Bond Commission notice of reduced principal and interest requirements for such bonds, in which event the Governor may call a meeting of the board to determine whether the rate or rates shall be changed. The new rate or rates, if any, set by the board shall become effective on the first day of the following ~~calendar quarter~~ semiannual period.

(2) In order to insure that there is maintained an adequate Highway Cash Fund balance to meet expenditures from such fund as appropriated by the Legislature, within fifteen days after the adjournment of each regular session of the Legislature, the board shall set the rate of the excise tax imposed by sections 66-4,140, 66-669, and 66-6,108 which will be effective from July 1 through June 30 of the succeeding year. The rate of excise tax for a given July 1 through June 30 period set pursuant to this subsection shall be in addition to and independent of the rate or rates of excise tax set pursuant to subsection (1) of this section for such period.

(3) The Department of Roads, with assistance from the Department of Revenue, shall prepare and provide the necessary information to each member of the board at least five days before each meeting. Such information shall include, but not be limited to, the unobligated balance in the Highway Cash Fund anticipated on the subsequent June 30, monthly estimates of anticipated receipts to the Highway Cash Fund for the subsequent fiscal year, and the appropriations made from the Highway Cash Fund for the subsequent fiscal year.

(4) The board shall determine the cash and investment balances of the Highway Cash Fund at the beginning of each fiscal year under consideration and the estimated receipts to the Highway Cash Fund from each source which provides at least one million dollars annually to such fund. The board shall then fix the rate of excise tax in an amount sufficient to meet the appropriations made from the Highway Cash Fund by the Legislature. Such rate shall be set in increments of one-tenth of one percent.

(5) On or before the fifteenth day of each month, the Department of Roads shall provide to each member of the board and the Clerk of the Legislature a report reflecting a comparison of the Highway Cash Fund deposits for the preceding calendar month and fiscal year to date against the projections for the same periods and the limitations of information contained in such report. The projections in the report shall be those last used by the board in setting the excise tax rate for the periods being reviewed. The report shall contain a comparison of actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the remainder of the current fiscal year, as supplied by the Department of Roads to the board, against the appropriation for the current fiscal year. If the accumulative total deposits to

the Highway Cash Fund under Chapter 66, articles 4 and 6, for the fiscal year are at any time less than ninety-eight percent or greater than one hundred four percent of the projected deposits for such period or if the actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the current fiscal year, as supplied by the Department of Roads to the board, are less than ninety-eight percent or greater than one hundred four percent of the appropriation for the current fiscal year, the Governor may call a meeting of the board to determine whether the rate shall be changed. If such a change is required, the board shall set the new rate which shall become effective on the first day of the following ~~calendar quarter~~ semiannual period.

(6) Nothing in this section shall be construed to abrogate the duties of the Department of Roads or attempt to change any highway improvement program schedule.".

2. On page 9, line 10, strike "6, 8, 9, and 11" and insert "10, 12, 13, and 15"; in line 14 strike "66-486" and insert "66-482, 66-486, 66-4,141, 66-4,143"; and in line 15 after the last comma insert "and section 66-4,144, Revised Statutes Supplement, 1997,".

3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 934.** Indefinitely postponed.
**LEGISLATIVE BILL 1198.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

## NOTICE OF COMMITTEE HEARING
**Natural Resources**

Friday, February 27, 1998 1:30 p.m.
Rick A. Morehouse - Nebraska Power Review Board
J. Patrick Hillebrandt - Nebraska Ethanol Board

(Signed) Chris Beutler, Chairperson

## ANNOUNCEMENTS

Mr. Landis designates LB 1162 as his priority bill.

The Nebraska Retirement Systems Committee designates LB 1191 and LB 532 as its priority bills.

The Government, Military and Veterans Affairs Committee designates LB 1281 and LB 1129 as its priority bills.

The Health and Human Services Committee designates LB 1354 as its priority bill.

The Judiciary Committee designates LB 601 and LB 1234 as its priority bills.

Mr. Chambers designates LB 1266 as his priority bill.

The Transportation Committee designates LB 1056 and LB 998 as its priority bills.

## GENERAL FILE

**LEGISLATIVE BILL 1053.** Mr. Will moved to reconsider the Maurstad amendment, FA515, to LB 1053.

Mr. Will 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 his motion to reconsider.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Beutler | Coordsen | Jensen | Robinson | Wehrbein |
| Bromm | Crosby | Jones | Schellpeper | Will |
| Brown | Elmer | Maurstad | Stuhr | Witek |
| Bruning | Hudkins | Peterson, C. | Vrtiska | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Bohlke | Kiel | Pederson, D. | Schmitt | Tyson |
| Chambers | Landis | Preister | Schrock | Wesely |
| Hartnett | Lynch | Raikes | Suttle | Wickersham |
| Hillman | Matzke | Schimek | Thompson | Willhoft |

Present and not voting, 2:

| | |
|---|---|
| Dierks | Janssen |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Hilgert | Pedersen, Dw. | Robak |
| Brashear | Engel | Kristensen | | |

The Will motion to reconsider failed with 19 ayes, 20 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Maurstad withdrew his motion to bracket LB 1053 until March 15, 1998.

Mr. Bromm and Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 3 nays, 11 present and not voting, and 6 excused and not voting.

## STANDING COMMITTEE REPORTS

### Natural Resources

**LEGISLATIVE BILL 1009.** Placed on General File as amended.
Standing Committee amendment to LB 1009:
AM3235
1. Insert the following new section:
"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Chris Beutler, Chairperson

### Business and Labor

**LEGISLATIVE BILL 100.** Placed on General File.

(Signed) Chris Abboud, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1174A.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 271A, section 2; Laws 1997, LB 387, section 36; Laws 1997, LB 389, sections 53 and 255; and Laws 1997, LB 875A, section 1; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1174, Ninety-fifth Legislature, Second Session, 1998; to harmonize provisions; to repeal the original sections; and to declare an emergency.

## ANNOUNCEMENTS

The Appropriations Committee designates LB 1158 as its priority bill.

Mr. Maurstad designates LB 218 as his priority bill.

The Business and Labor Committee designates LB 1255 as its priority bill.

## MOTION - Print in Journal

Mr. Vrtiska filed the following motion to LB 59:
Unanimous consent to bracket LB 59 to March 20, 1998.

## REPORTS

The following reports were received by the Legislature:

**Energy Office, Nebraska**
Annual Report

**Environmental Quality, Department of**
Litter Reduction and Recycling Grant Program Report

**Health and Human Services System, Department of**
Nebraska Child Death Review Report for 1994-1995

## AMENDMENT - Print in Journal

Mr. Wesely filed the following amendment to LB 1063:
AM2874

1. On page 5, line 12, after "are" insert "medically needy"; in line 13 after the last comma insert "and who have children with allocated income"; in lines 15, 18, and 21 strike "Who" through "at" and insert "At"; and in line 20 after the semicolon insert "or".

## VISITORS

Visitors to the Chamber were Michelle Hupp from Albion; former Senator Connie Day and daughter, Nanette, from Norfolk; 66 fourth grade students and teacher from Hamlow Elementary School, Waverly; and Megan Pedersen and Michael Nelson.

The Doctor of the Day was Bradley Hupp from Albion.

## ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Willhoft, the Legislature adjourned until 9:00 a.m., Monday, February 23, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# THIRTIETH DAY – FEBRUARY 23, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 23, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen 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, Engel, Hilgert, Landis, Matzke, Robinson, Wickersham, Will, and Mrs. Kiel who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

## MESSAGE FROM THE GOVERNOR

February 20, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the State Emergency Response Commission:

APPOINTEES:
Jim Allstot, 7641 Ringneck Drive, Lincoln, NE 68506
Christine J. Bleich, 1062 Y Street, Lincoln, NE 68508
Steven F. Danon, 14123 Frederick Circle, Omaha, NE 68138

Kenneth C. Dechant, 5406 So. 185th Street, Omaha, NE 68135
Allen O. Grell, 1907 Washington Street, Beatrice, NE 68310
Fred E. Hlava, 136 N. Pine, Gordon, NE 69343
Richard L. Klauz, 400 North Monroe, Lexington, NE 68850
Jerry L. McKenzie, 810 Valentine Lane, Papillion, NE 68046
Randy D. Meek, 801 West Helen Circle, Lincoln, NE 68521
Ken L. Meyer, 2201 Avenue G, Scottsbluff, NE 69361
Florian Paskevic, 2803 South 105th Ave., Omaha, NE 68124
John J. Steinauer, 7321 South 30th Street, Lincoln, NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## ATTORNEY GENERAL'S OPINION

Opinion No. 98014

DATE: February 20, 1998

SUBJECT: Child Pornography Prevention Act - constitutionality of proposed amendments

REQUESTED BY: Kermit A. Brashear, Senator

WRITTEN BY: Don Stenberg, Attorney General
Barry Waid, Assistant Attorney General

Question Presented: Whether proposed amendments to Nebraska's laws relating to child pornography are constitutional in light of the First Amendment to the United States Constitution and the corresponding provisions of the Nebraska Constitution.

Since the proposed legislation does not seek to amend the statute criminalizing the possession of child pornography, this opinion will not address the impact, if any, on Neb. Rev. Stat. § 28-813.01 (Reissue 1995). LB 1349 would amend the prohibitions against child pornography to include compiling, for purposes of reproduction and distribution, a compilation of multiple visual depictions of full child nudity when manifesting a design to elicit a sexual response in a viewer with a sexual interest in children.

Answer: A state has more freedom to proscribe works which portray sexual acts or lewd exhibitions of genitalia by children than other pornographic depictions. *See **New York v. Ferber***, 458 U.S. 747, 756, 102 S.Ct. 3344, 3353 (1982). Child pornography is not entitled to First Amendment protection provided the conduct to be prohibited is adequately

defined by state law. *See **Ferber***, 458 U.S. 764, 102 S.Ct. 3358. Statutes regulating child pornography are not subject to limitations placed upon statutes governing adult pornography. One need not find that the material appeals to the prurient interests of the average person; it is not required that sexual conduct portrayed be done so in a patently offensive manner; and the material at issue need not be considered as a whole. *See **Ferber***, 458 U.S. 747, 102 S.Ct. 3348 (*quoted in **State v. Saulsbury***, 243 Neb. 227, 498 N.W.2d 338 (1992)). The greater latitude allowed the government in restricting child pornography is permitted due to the "surpassing importance" of the government's interest in preventing the sexual exploitation and abuse of children. *See **Ferber***, 458 U.S. at 755, 102 S.Ct. at 3355.

While government is given great latitude when regulating child pornography, the definition of child pornography must be limited. *See **Ferber***, 458 U.S. at 764, 102 S.Ct. at 3358. The conduct to be prohibited must be adequately defined by the applicable state law, as written or authoritatively construed. *See id.* The category of "sexual conduct" proscribed must also be suitably limited and described. *See id.*

In 1986, this office offered its opinion on the constitutionality of the Child Pornography Prevention Act in Nebraska Attorney General Opinion, No. 86035, March 13, 1986. Subsequently, the Nebraska Child Pornography Prevention Act, as it presently exists, has withstood constitutional challenges on the basis of overbreadth and vagueness. *See **State v. Burke***, 225 Neb. 625, 408 N.W.2d 239 (1987). While not being required to pass on the facial constitutionality of the statute, the Nebraska Supreme Court has noted that the "terms of the statute were meticulously defined" when discussing the proscriptions of the Act. ***Saulsbury***, 243 Neb. at 232, 498 N.W.2d at 342. The Nebraska Supreme Court has also noted that federal legislation similar to the Nebraska statute as it currently exists has been upheld as constitutional. *See **Saulsbury***, 243 Neb. 227, 498 N.W.2d 338. Consequently, this opinion will focus only upon those amendments proposed in LB 1349.

The added language proposed in LB 1349, if adopted, should likewise be held constitutional under the guidelines provided by the U.S. Supreme Court and the Nebraska Supreme Court because the conduct prohibited is adequately defined.

The additional criminal conduct proscribed by LB 1349 is limited to material containing visual depictions of child nudity or nudity of children under eighteen years of age. The conduct proscribed is further limited to compilations of child nudity "manifesting a design to elicit a sexual response in a viewer with a sexual interest in children." By definition, compilations do not manifest a design to elicit a sexual response in a viewer with a sexual interest in children if compiled for a bona fide scientific, educational, or medical purpose by a bona fide institution.

In the absence of anything indicating to the contrary, statutory language

must be given its plain and ordinary meaning. *See **State v. Flye***, 245 Neb. 495, 513 N.W.2d 526 (1994). In reading a penal statute, one must give effect to the purpose and the intent of the legislature as ascertained from the entire language of the statute considered in its plain ordinary and sense. *See **State v. Robbins***, 253 Neb. 146, 570 N.W.2d 185 (1997). Terms in the criminal offenses defined by the proposed legislation such as "compilation," "design," "visual depictions," and "full child nudity" are defined by statute and are words of common usage with readily ascertained meanings. As such, the conduct to be prohibited has been adequately defined by the applicable state law as required by ***Ferber***. Individuals are given proper notice of the prohibited conduct.

In ***Ferber***, among the issues considered was whether the proscription against using children in the "lewd exhibition of the genitals" was beyond the reach of First Amendment protection. In concluding that such displays were not constitutionally protected the Court noted that the terms "lewd exhibition of genitals" had a known meaning. The statute also required "scienter" or knowledge on the part of the person inducing a child to engage in such an exhibition. ***Ferber***, 458 U.S. at 765, 102 S.Ct. at 3359.

As with the statute construed in ***Ferber***, LB 1349 uses terms of known meaning. It also requires scienter in that the prohibited acts require a "design to elicit a sexual response in a viewer with a sexual interest in children." In other words, the proposed language requires a demonstrated plan or purpose to elicit a sexual response on the part of a viewer with a sexual interest in children. The statute also defines the meaning of "manifesting a design."

***Ferber*** also requires that the sexual conduct proscribed must be suitably limited and described. The legislation must not be overbroad or prohibit a substantial amount of constitutionally protected conduct. The statutory language proposed suitably limits and describes the sexual conduct proscribed within the meaning of ***Ferber***, 458 U.S. at 764, 102 S.Ct. at 3358.

Legislative attempts to prohibit the production or transfer of child pornography have sometimes been constitutionally attacked as being overbroad. The doctrine of overbreadth is predicated on the sensitive nature of protected expressions and allows persons to attack overly broad statutes even though the conduct of the person making the attack is clearly unprotected. In other words, the attack is made upon the "face" of the statute. The overbreadth of the statute, however, must be "substantial" before the statute will be invalidated on its face. ***Ferber***, 458 U.S. at 769, 102 S.Ct. at 3361. The proposed amendments are not substantially overbroad.

LB 1349 limits the reach of the proscribed conduct by exempting compilations containing multiple visual depictions of full child nudity compiled for a bona fide scientific, educational or medical purpose for a bona fide institution with a bona fide interest in such. These exemptions

allow scientific, medical and educational institutions with a legitimate purpose to compile and distribute volumes containing multiple visual depictions of child nudity. The statute considered in ***Ferber*** did not contain such an exemption. The United States Supreme Court has previously considered similar limiting exemptions when overruling a constitutional overbreadth attack upon legislation proscribing possession and viewing of child pornography in ***Osborne v. Ohio***, 495 U.S. 103, 110 S.Ct. 1691 (1990). The specific exceptions contained in LB 1349 exempt bona fide institutions which compile visual depictions of child nudity for bona fide medical, educational, or scientific purposes. When the limiting exceptions are considered, the scope of the statute narrows considerably. The impact of the proposed amendments upon protected conduct would, in our opinion, be "de minimis." *See id.*

Conclusion: LB 1349 seeks to amend Nebraska's child pornography statutes by adding a prohibition against compiling for purposes of reproduction and distribution a compilation containing multiple visual depictions of full child nudity as well as the subsequent sale or delivery of such compilations. In view of the facts that the prohibition does not extend to a person merely possessing pictures of child nudity for innocent purposes; that scienter is required on the part of the person compiling the multiple visual depictions; and that there are exemptions for compilations made by bona fide institutions for bona fide scientific, educational or medical purposes; the amendatory language should be held constitutional.

Sincerely,
DON STENBERG
Attorney General
(Signed) Barry Waid
Assistant Attorney General

40-07-6

**UNANIMOUS CONSENT - Member Excused**

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 1063.** Title read. Considered.

Mr. Wesely renewed his pending amendment, AM2874, found on page 723.

The Wesely amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mrs. Witek offered the following amendment:
AM3243
1. Strike the original sections and insert the following

new sections:

"Section 1. It is the intent of the Legislature that the cost of the changes in eligibility to the medical assistance program made by this legislative bill be funded with federal funds made available on and after October 1, 1997, pursuant to the federal State Children's Health Insurance Plan enacted as part of the federal Balanced Budget Act of 1997.

Sec. 2. Section 68-1019, Reissue Revised Statutes of Nebraska, is amended to read:

68-1019. (1) Medical assistance on behalf of recipients shall be paid directly to vendors.

(2) On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.

(3) On behalf of all recipients, medical assistance shall include:

(a) Inpatient and outpatient hospital care;

(b) Laboratory and X-ray services;

(c) Nursing home services;

(d) Care home services;

(e) Home health care services;

(f) Nursing services;

(g) Clinic services;

(h) Services of practitioners licensed by the Department of Health and Human Services Regulation and Licensure; and

(i) Such drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health and Human Services Regulation and Licensure.

(4) The Director of Finance and Support ~~shall~~ may adopt a schedule of premiums, copayments, and deductibles for goods and services provided under the medical assistance program as may be allowed by Title XIX or Title XXI of the federal Social Security Act, as amended as of the effective date of this act. The system of copayments and deductibles in the schedule shall discourage abuse of high-cost services and encourage the utilization of cost-effective services. Prior to the adoption of the schedule of copayments and deductibles, the director shall provide a report to the Governor and the Legislature outlining proposed copayments and deductibles. The report shall collect and summarize available data from other states concerning their experience with copayments and deductibles, determine if vendors may be reimbursed for copayments and deductibles resulting from a recipient's inability to pay, evaluate the collectability of copayments and deductibles, and assess the effect of copayments and deductibles on recipients, vendors, access to and availability of care, and utilization of affected medical assistance program services. The report shall include data from Nebraska as it becomes available. The report shall also provide information as to other cost-containment mechanisms which have been implemented or proposed by the

Department of Health and Human Services Finance and Support for the fiscal year. The report shall be provided to the Governor and the Legislature by December 1 of each year. No schedule of copayments and deductibles shall be put into effect until July 1 following the report, except that for the first year the schedule shall be put into effect by April 1. A vendor shall be responsible for collecting any applicable copayment or deductible from the recipient.

(5) The Director of Finance and Support shall provide limits as to the amount, duration, and scope of services and goods recipients may receive under the medical assistance program. For purposes of providing limits as to the amount, duration, and scope of services and goods recipients may receive under the medical assistance program, the Department of Health and Human Services Finance and Support shall adopt and promulgate rules and regulations. The limits adopted shall in all respects comply with applicable provisions of Title XIX of the federal Social Security Act and the related federal regulations, as they may be amended from time to time. Prior to the adoption of such rules and regulations, the director shall provide a report to the Governor and the Legislature outlining proposed limits. Such report shall be provided to the Governor and the Legislature by December 1 of each year. No rules or regulations to implement such limits shall be put into effect until April 1 following the report.

(6) No vendor shall advertise or promote through newspapers, magazines, circulars, direct mail, directories, radio, television, or otherwise that such vendor will waive the collection of all or any portion of any copayment or deductible established pursuant to subsection (4) of this section.

Sec. 3. Section 68-1020, Reissue Revised Statutes of Nebraska, is amended to read:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and on behalf of all individuals less than twenty-one years of age who are eligible under section 1905(a) of the federal Social Security Act, as amended.

(2) The Director of Finance and Support shall adopt and promulgate rules and regulations governing provision of such medical assistance benefits: ~~to qualified individuals:~~

(a) ~~Who~~ To qualified individuals who are presumptively eligible as allowed under 42 U.S.C. 1396a, as amended, and section 1920A of the federal Social Security Act, as amended; ~~or~~

(b) ~~Who have~~ To qualified individuals who are minor children in a family having income at or below one hundred fifty percent of the Office of Management and Budget ~~income~~ poverty ~~guidelines~~ line as allowed under Title XIX and Title XXI of the federal Social Security Act, as amended, without regard to resources. This includes all ~~, including~~ children ~~up to such~~ under

nineteen years of age as allowed under ~~42 U.S.C. 1396a~~ section 2110 of the federal Social Security Act, as amended;

(c) On a sliding scale to qualified individuals who are minor children under nineteen years of age in a family which has income up to one hundred eighty-five percent of the Office of Management and Budget poverty line as allowed under Title XIX and Title XXI of the federal Social Security Act, as amended, whose resources do not exceed four thousand dollars for an individual or six thousand dollars for a family, one motor vehicle per family, and life insurance, including all children under nineteen years of age as allowed under section 2110 of the federal Social Security Act, as amended; or

(d) To qualified individuals who are minor children under nineteen years of age in a family having income greater than one hundred eighty-five percent of the Office of Management and Budget poverty line, if such income is less than two hundred percent of such poverty line and a minor child in such family has annual medical expenses of not less than fifteen percent of the family's annual income.

Sec. 4. It is the intent of the Legislature that on a quarterly basis not more than ten percent of the federal funds available to Nebraska pursuant to the federal State Children's Health Insurance Plan, enacted as part of the federal Balanced Budget Act of 1997, be used to pay administrative costs associated with the plan. If quarterly administrative costs are less than ten percent of such available federal funds, any funds remaining up to ten percent quarterly of such funds shall be used for direct purchase of services to provide child health assistance to targeted low-income children pursuant to section 2110(a) of the federal Social Security Act, as amended.

Sec. 5. Section 68-1021, Reissue Revised Statutes of Nebraska, is amended to read:

68-1021. For the purpose of paying medical assistance as defined in sections 68-1002, 68-1006, and 68-1018 to 68-1025, the State of Nebraska hereby accepts and assents to all applicable provisions of Title XIX of ~~an Act of Congress identified as H.R. 6675, 89th Congress, approved July 30, 1965~~ the federal Social Security Act, as amended as of the effective date of this act, and, effective October 1, 1997, Title XXI of the federal Social Security Act, as amended as of the effective date of this act. The Director of Finance and Support is authorized to promulgate rules and regulations, to enter into agreements, to adopt fee schedules with regard to medical assistance benefits, rehabilitation services, and any other remedial services, and to adopt copayments and deductibles with respect to such benefits and services if the requirements of subsection (4) of section 68-1019 are met.

Sec. 6. Section 68-1037, Reissue Revised Statutes of Nebraska, is amended to read:

68-1037. The Legislature finds that it is in the best

interests of the State of Nebraska to have health care services available to as many Nebraskans as possible. The Legislature further finds that the medical assistance program established in sections 68-1018 to 68-1025, also known as medicaid, and Title XXI of the federal Social Security Act, as amended as of the effective date of this act, should be utilized to the extent possible under federal law in order to provide health care for low-income children and families in Nebraska. The Legislature further finds this goal can be met in part by providing prenatal care to pregnant women and care to infants at the maximum level allowed by federal law. Such persons qualify for care if the family income is less than or equal to one hundred fifty percent of the federal Office of Management and Budget ~~income~~ poverty ~~guidelines~~ line. It is the intent of this section and section 68-1020 to provide such health care services.

Sec. 7. Section 68-1724, Reissue Revised Statutes of Nebraska, is amended to read:

68-1724. (1) Cash assistance shall be provided for a period or periods of time not to exceed a total of two years for recipient families with children subject to the following:

(a) If the state fails to meet the specific terms of the self-sufficiency contract developed under section 68-1719, the two-year time limit established in this section shall be extended for an additional period of not more than two years;

(b) The two-year time period for cash assistance shall begin when the self-sufficiency contract is signed or when any children born into the recipient family prior to the initial ten months of assistance reach the age of six months, whichever is later;

(c) When no longer eligible to receive cash assistance, assistance shall be available to reimburse work-related child care expenses even if the recipient family has not achieved economic self-sufficiency. The amount of such assistance shall be based on a cost-shared plan between the recipient family and the state which shall provide assistance up to one hundred eighty-five percent of the federal poverty level for up to twenty-four months. A recipient family may be required to contribute up to twenty percent of such family's gross income for child care; ~~. It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available;~~

(d) After receiving cash assistance under this section for two years at a monthly payment level not exceeding that provided in section 43-512, families shall receive no further cash assistance pursuant to this section for at least two years after the assistance period ends; and

(e) The self-sufficiency contract shall be revised and the two-year time period for cash assistance extended when there is

no job available for adult members of the recipient family. It is the intent of the Legislature that available job shall mean a job which results in an income of at least equal to the amount of cash assistance that would have been available if receiving assistance minus unearned income available to the recipient family.

The department shall develop policy guidelines to allow for cash assistance to persons who have received the maximum cash assistance provided by this section and who face extreme hardship without additional assistance. For purposes of this section, extreme hardship means a recipient family does not have adequate cash resources to meet the costs of the basic needs of food, clothing, and housing without continuing assistance or the child or children are at risk of losing care by and residence with their parent or parents.

(2) Cash assistance conditions under the Welfare Reform Act shall be as follows:

(a) Adults in recipient families shall mean individuals at least nineteen years of age living with and related to a child eighteen years of age or younger and shall include parents, siblings, uncles, aunts, cousins, or grandparents, whether the relationship is biological, adoptive, or step;

(b) The payment standard shall be based upon family size. Any child born into the recipient family after the initial ten months of participation in the program shall not increase the cash assistance payment, except that child support or other income received on behalf of such child or children shall not be considered as countable income to the recipient family in determining the amount of their cash assistance payment;

(c) The adults in the recipient family shall ensure that the minor children regularly attend school. Education is a valuable personal resource. The cash assistance provided to the recipient family may be reduced when the parent or parents have failed to take reasonable action to encourage the minor children of the recipient family ages sixteen and under to regularly attend school. No reduction of assistance shall be such as may result in extreme hardship. It is the intent of the Legislature that a process be developed to insure communication between the case manager, the parent or parents, and the school to address issues relating to school attendance;

(d) Two-parent families which would otherwise be eligible under section 43-504 or a federally approved waiver shall receive cash assistance under this section;

(e) For minor parents, the assistance payment shall be based on the minor parent's income. If the minor parent lives with at least one parent, the family's income shall be considered in determining eligibility and cash assistance payment levels for the minor parent. If the minor parent lives independently, support shall be pursued from the parents of the minor parent. If the absent parent of the minor's child is a minor, support from his or

her parents shall be pursued. Support from parents as allowed under this subdivision shall not be pursued when the family income is less than three hundred percent of the federal poverty guidelines; and

(f) For adults who are not biological or adoptive parents or stepparents of the child or children in the family, if assistance is requested for the entire family, including the adults, a self-sufficiency contract shall be entered into as provided in section 68-1719. If assistance is requested for only the child or children in such a family, such children shall be eligible after consideration of the family's income and if (i) the family cooperates in pursuing child support and (ii) the minor children of the family regularly attend school.

Sec. 8. Original sections 68-1019, 68-1020, 68-1021, 68-1037, and 68-1724, Reissue Revised Statutes of Nebraska, are repealed.".

Messrs. Wickersham, Maurstad, Tyson, Dierks, and Mrs. Hillman 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 24 ayes, 0 nays, and 25 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Bromm | Dierks | Kristensen | Robinson | Stuhr |
| Bruning | Jensen | Pedersen, Dw. | Schellpeper | Vrtiska |
| Cudaback | Jones | Peterson, C. | Schmitt | Witek |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Lynch | Raikes | Suttle |
| Bohlke | Hilgert | Matzke | Robak | Thompson |
| Brashear | Janssen | Pederson, D. | Schimek | Wesely |
| Brown | Kiel | Preister | Schrock | Willhoft |
| Chambers | Landis | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Coordsen | Engel | Hartnett | Hudkins | Wehrbein |
| Elmer | | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Maurstad | Tyson | Wickersham | Will |
| Hillman | | | | |

The Witek amendment lost with 15 ayes, 22 nays, 6 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

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

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 1025.** Placed on General File as amended.
Standing Committee amendment to LB 1025:
AM3232

1. Insert the following new section:

"Section. 1. Section 77-3504, Reissue Revised Statutes of Nebraska, is amended to read:

77-3504. Household income 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 retirement benefit, any benefit from Supplemental Security Income or Old Age Survivors' and Disability Insurance, or any railroad retirement benefit to the extent any such benefit is 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 incurred and paid by the claimant, his or her spouse, or any owner-occupant 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, or a facility licensed pursuant to Chapter 71, article 20, for purposes of restoring or maintaining health, including insulin and prescription medicine but not including nonprescription medicine.

Sec. 3. Section 77-3513, Revised Statutes Supplement, 1997, is amended to read:

77-3513. (1) 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)~~,~~ or (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 June 30 of each year. 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 July 20 of each year. An extension shall not be granted to an applicant who received an extension in the immediately preceding year.".

2. On page 2, lines 7 and 8, strike "are paralyzed in both legs", show as stricken, and insert "have a permanent physical disability"; strike beginning with "aid" in line 9 through "(e)" in line 17, show as stricken, and insert "use of a mechanical aid or prosthesis, and (c)"; in line 18 after "elbow" insert "or who have a permanent partial disability of both arms in excess of seventy-five percent"; and in line 23 strike "(1)(e)", show as stricken, and insert "(1)(c)".

3. On page 5, line 14, strike "77-3508" and insert "77-3504, Reissue Revised Statutes of Nebraska, and sections 77-3508 and 77-3513"; and in line 15 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 1059.** Placed on General File.
**LEGISLATIVE BILL 1101.** Placed on General File.
**LEGISLATIVE BILL 1254.** Placed on General File.
**LEGISLATIVE BILL 1295.** Placed on General File.
**LEGISLATIVE BILL 1319.** Placed on General File.

**LEGISLATIVE BILL 1249.** Indefinitely postponed.
**LEGISLATIVE BILL 1305.** Indefinitely postponed.
**LEGISLATIVE BILL 1341.** Indefinitely postponed.
**LEGISLATIVE BILL 1357.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 307CA.** Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 1063.** Mrs. Brown offered the following amendment:
AM3257

1. Insert the following new sections:

"Sec. 5. The Department of Health and Human Services shall develop a plan to provide health care for eligible children who will be provided health care under the provisions of this legislative bill. The plan developed shall include provision of healthcare insurance to eligible children outside the medical assistance program and shall have an implementation date of September 1, 2000. The department shall submit any necessary legislation to the Legislature by December 1, 1999.

Sec. 6. The changes made to sections 68-1019, 68-1020, 68-1021, and 68-1037 by this legislative bill terminate on September 1, 2000, unless extended by the Legislature.".

2. Renumber the remaining sections accordingly.

**MRS. CROSBY PRESIDING**

Messrs. Kristensen, Coordsen, Brashear, Lynch, Mmes. Suttle, and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad offered the following amendment to the Brown pending amendment:
FA516

Amend AM3257
Line 5 change "shall" to "may"

Mmes. Hillman and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Maurstad amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment to the Brown pending amendment:
AM3268

(Amendments to AM3257)

1. Strike sections 5 and 6 and all amendments thereto and insert the following new section:

"Sec. 5. The Department of Health and Human Services Finance and Support shall study the implementation of the Title XXI program as described in this legislative bill and other

alternatives for implementation, including the use of private health insurance. The study shall include:

(1) The number of children eligible for the Title XXI program;

(2) The number of children insured;

(3) The administrative cost of implementing the program;

(4) Descriptions of the services utilized by children under the Title XXI program; and

(5) A comparison between the costs and coverages of the program proposed under this legislative bill and the private insurance market in implementing Title XXI.

The study shall be submitted to the Legislature by September 1, 2000.".

Pending.

## AMENDMENT - Print in Journal

Messrs. Schellpeper and Jones filed the following amendment to LB 1152:
AM3226

1. On page 6, strike lines 24 through 28 and insert:

"(2) If a county intends to adopt a county comprehensive development plan or zoning resolution and the county has appointed a planning commission of not less than seven members, the county board may, after notice and public hearing, adopt interim zoning measures by resolution without first having adopted a county comprehensive development plan. Interim zoning measures are available only to counties that have not adopted a county comprehensive zoning plan. The interim zoning measures may include an interim zoning resolution, map, or regulation. Notice of the time and place of the public hearing shall be given by publication in a legal newspaper of general circulation in the county one time at least ten days prior to the hearing. A copy of the proposed interim zoning measures within the restrictions applied in this section, including any resolution, map, or regulation, shall be available for inspection during regular business hours at the office of the county clerk at least ten days prior to the hearing. An interim zoning measure shall expire April 15, 2000, or on the date a final county comprehensive development plan or zoning resolution is adopted, whichever occurs first.

The interim zoning measure may include livestock zoning regulations that pertain to confined livestock operations, livestock waste control facilities, and open lots. For purposes of this subsection:

(a) Confined livestock operations means totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls

or cages, with or without bedding materials and mechanical ventilation; and

(b) Open lots means pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

A county may not adopt livestock zoning regulations which are more stringent than the following:

(i) The Department of Environmental Quality shall notify the county board of any application to construct a confined livestock operation or open lot within the county;

(ii) A new livestock confined livestock operation or open lot shall be located no closer than one-quarter mile from the nearest residence, other than the residence occupied by the confined livestock operation or open lot owner or operator or with the consent of the residence owner. The one-quarter mile distance is measured from the nearest edges of the confined livestock operation or open lots;

(iii) Confined livestock operations or open lots shall not be located within one mile of an incorporated city or village or within one mile of a concentration of ten or more residences located within a one-quarter square mile area; and

(iv) Open lots shall be set back at least fifty feet from any state or federal highway and one hundred fifty feet from the intersection of two county roads.".

2. On page 7, strike lines 1 through 12.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Allstot, Jim - State Emergency Response Commission -- Government, Military and Veterans Affairs

Bleich, Christine J. - State Emergency Response Commission -- Government, Military and Veterans Affairs

Danon, Steven F. - State Emergency Response Commission -- Government, Military and Veterans Affairs

Dechant, Kenneth C. - State Emergency Response Commission -- Government, Military and Veterans Affairs

Grell, Allen O. - State Emergency Response Commission -- Government, Military and Veterans Affairs

Hlava, Fred E. - State Emergency Response Commission -- Government, Military and Veterans Affairs

Klauz, Richard L. - State Emergency Response Commission --Government, Military and Veterans Affairs

McKenzie, Jerry L. - State Emergency Response Commission -- Government, Military and Veterans Affairs

Meek, Randy D. - State Emergency Response Commission -- Government, Military and Veterans Affairs

Meyer, Ken L. - State Emergency Response Commission -- Government, Military and Veterans Affairs

Paskevic, Florian - State Emergency Response Commission -- Government, Military and Veterans Affairs

Steinauer, John J. - State Emergency Response Commission -- Government, Military and Veterans Affairs

Alberts, Michael P. - Nebraska Ethanol Board -- Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 309.** 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 1053.** Placed on Select File as amended.
E & R amendment to LB 1053:
AM7207

1. On page 1, line 5, after the semicolon insert "to create the Nebraska Development Network Program; to state intent;".
2. On page 3, lines 20 through 22, strike the new matter; strike beginning with "other" in line 22 through "vice-chairperson" in line 23 and show as stricken; and in line 24 after "terms" insert ", except that a member who serves a term as chairperson or vice-chairperson may serve a total of four consecutive two-year terms".
3. On page 5, line 26, strike "to" and show as stricken.

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORT
## Natural Resources

**LEGISLATIVE BILL 552.** Placed on General File as amended.
Standing Committee amendment to LB 552:
AM3150

1. Strike the original sections and insert the following new sections:

"Section 1. The State of Nebraska hereby withdraws from the Central Interstate Low-Level Radioactive Waste Compact if, after January 1, 1998, and prior to May 1, 2008, any contracts are let for construction of the low-level radioactive waste facility or any construction or site improvement in preparation of construction is begun at the facility. If such conditions for withdrawal are met, (1) the Governor shall notify the governors of the other compact states that the withdrawal is effective and (2) section 71-3521 shall be repealed.

Sec. 2. Section 81-1578, Revised Statutes Supplement, 1996, is amended to read:

81-1578. Sections 81-1578 to 81-15,116 and section 1 of this act shall be known and may be cited as the Low-Level Radioactive Waste Disposal Act.

Sec. 3. Section 81-1579, Reissue Revised Statutes of Nebraska, is amended to read:

81-1579. (1) The Legislature hereby declares that it is the policy of the State of Nebraska, in furtherance of its responsibility to cooperate and coordinate with the Central Interstate Low-Level Radioactive Waste Compact Commission and to protect the health, safety, and welfare of its citizens and the environment:

(a) To provide for the availability of capacity either within or outside the state for the commercial disposal of low-level radioactive waste generated within the state at commercial low-level radioactive waste disposal facilities as designated by the Central Interstate Low-Level Radioactive Waste Compact Commission, except for waste generated as a result of defense or federal research and development activities; and

(b) ~~To recognize that low-level radioactive waste can be most safely and efficiently managed on a regional basis; and~~

~~(c)~~ To institute and maintain a regulatory program for commercial disposal of low-level radioactive waste. ~~at such facilities.~~

(2) It is also the policy of the State of Nebraska that the cost of disposal of low-level radioactive waste be borne by the generators of such waste. In furtherance of such policy, the state shall not be liable for any financial subsidy of the construction and maintenance of a low-level radioactive waste disposal facility.

(3) The Legislature hereby finds that it is the policy of the state that a facility for the disposal of low-level radioactive

waste, if ~~shall be~~ established, shall be at a location that best protects the health and safety of its citizens and the environment. In selecting such location, the developer shall emphasize geologic, topographic, demographic, hydrologic, and other technical factors that contribute to such protection and shall construct, operate, and maintain such facility in a manner consistent with state and federal requirements.

It is the intent of the Legislature that potential host communities be actively and voluntarily involved in the siting process. To the extent possible, consistent with the highest level of protection for the health and safety of the citizens of the state and protection of the environment, the developer shall make every effort to locate the facility where community support is evident.

Sec. 4. Original section 81-1579, Reissue Revised Statutes of Nebraska, and section 81-1578, Revised Statutes Supplement, 1996, are repealed.".

(Signed) Chris Beutler, Chairperson

## MOTION - Print in Journal

Mr. Vrtiska filed the following motion to LB 59:
Unanimous consent to bracket LB 59 to March 10, 1998.

## RESOLUTION

**LEGISLATIVE RESOLUTION 324.** Introduced by Tyson, 19.

WHEREAS, Robert L. Carlisle was long known for his interest in and contributions to the field of aviation; and

WHEREAS, Mr. Carlisle's interest began in 1938 when he learned to fly, and later he completed primary civilian pilot training while attending Wayne State College; and

WHEREAS, Mr. Carlisle entered the United States Navy on July 15, 1942, during World War II and was a PBY pilot patrolling the Atlantic Ocean and areas near North Africa; and

WHEREAS, Mr. Carlisle served on the Norfolk Airport Authority, wrote three books, and wrote many features for the Norfolk Daily News on aviation; and

WHEREAS, Mr. Carlisle was a charter member and past president of the Elkhorn Valley Historical Society and gave numerous programs on the history of aviation to schools and civic organizations with models he had built; and

WHEREAS, Mr. Carlisle had aircraft models displayed at the National Air and Space Museum in Washington, D.C.; and

WHEREAS, Mr. Carlisle set two land speed records for Class C-1.a on May 20, 1973, for the Federation Aeronautique Internationale and on December 17, 1978, for the National Aeronautic Association; and

WHEREAS, Mr. Carlisle was in the Nebraska Aviation Hall of Fame; and

WHEREAS, Mr. Carlisle was associated with the Carlisle Correct Shoe Company in Norfolk, Nebraska, for forty-two years; and

WHEREAS, Mr. Carlisle was a life member of the American Legion and Veterans of Foreign Wars; and

WHEREAS, Robert L. Carlisle passed away on January 27, 1998.

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

1. That the Legislature extend condolences to the family and friends of Robert L. Carlisle.

2. That a copy of this resolution be sent to the family of Robert L. Carlisle.

Laid over.

## ANNOUNCEMENT

Speaker Kristensen designates LBs 124, 306, 341, 371, 504, 632, 699, 803, 975, 993, 1007, 1089, 1095, 1102, 1104, 1126, 1143, 1145, 1146, 1170, 1190, 1346, LRs 303CA, 307CA, and 321 as priority bills and resolutions.

## AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 1063:
FA518

Amend AM3257

Strike line 2 and insert the following: "Two representatives of the Department of Health and Human Services as appointed by the Director, two members of the Health and Human Services Committee of the Legislature appointed by the Chairman of the Executive Board, and two members of the private health care industry appointed by the Governor shall serve as a Kids Connection Review Committee. The above appointments shall be made after January 15, 1999 and before February 15, 1999.

On line 3 before "shall" insert "The Kids Connection Review Committee"

On line 8 strike "department" and insert "committee"

Mr. Beutler filed the following amendment to LB 1063:
FA519

Amend the Brown amendment

Strike lines 10 through 12

## VISITORS

Visitors to the Chamber were Senator Willhoft's wife, Shirley, and sister-in-law, Sandra Ellefson, from Central City; 8 fifth and sixth grade students, teacher, and sponsor from Campbell; and Senator Schmitt's niece, Dixie Drohman, and Junior and Derrick Drohman from Oak.

The Doctor of the Day was Kent Willadsen from Lincoln.

## ADJOURNMENT

At 11:53 a.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Tuesday, February 24, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# THIRTY-FIRST DAY - FEBRUARY 24, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 24, 1998

Pursuant to adjournment, the Legislature met at 9:01 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 Mr. Robinson who was excused; and Messrs. Abboud, Coordsen, Engel, Lynch, Schmitt, Wehrbein, Will, Willhoft, Mmes. Hillman, Kiel, Robak, Thompson, Witek, and Ms. Schimek who were excused until they arrive.

**SPEAKER KRISTENSEN PRESIDING**

## CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

## GENERAL FILE

**LEGISLATIVE BILL 1180.** Title read. Considered.

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

Mr. Chambers offered the following amendment:
FA520
P. 2, lines 6 & 8, strike "power" and insert "authority"

The Chambers 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, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 1015.** Title read. Considered.

Mr. Chambers offered the following amendment:
FA521
Every place where "Internal" appears, strike and insert "Infernal".

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

Mr. Chambers withdrew his amendment.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 1056.** Title read. Considered.

Standing Committee amendment, AM2839, found on page 487, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Engel and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

## STANDING COMMITTEE REPORT
## Natural Resources

**LEGISLATIVE BILL 1208.** Placed on General File as amended.
Standing Committee amendment to LB 1208:
AM3234

1. On page 2, line 10, strike "No", show as stricken, and insert "In counties having a population of four hundred thousand inhabitants or less, no"; and in line 13 after the period insert "In counties having a population exceeding four hundred thousand inhabitants, no license shall be issued for any area whose boundary lies within five miles of the boundary of any other area so licensed under the provisions of sections 37-901 to 37-914.".

(Signed) Chris Beutler, Chairperson

## AMENDMENT - Print in Journal

Mr. Wesely filed the following amendment to LB 204:
(Amendment, AM3194, 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 1063.** Mrs. Brown renewed her pending amendment, AM3257, found on page 738.

Mr. Wesely asked unanimous consent to replace his pending amendment, AM3268, found on page 738, with a substitute amendment. No objections. So ordered.

Mr. Wesely withdrew his amendment, AM3268, found on page 738.

Messrs. Wesely, Beutler, Matzke, and Landis offered the following substitute amendment to the Brown pending amendment:
AM3282

(Amendments to AM3257)

1. Strike sections 5 and 6 and all amendments thereto and insert the following new section:

"Sec. 5. (1) A committee shall be appointed to study the implementation of the federal Title XXI program described in this legislative bill and other alternatives for implementing Title XXI, including the use of private health insurance. The Department of Health and Human Services Finance and Support shall submit a report to the Legislature by September 1, 2000, based on the committee's study. The report shall include:

(a) The number of children eligible for the Title XXI program;

(b) The number of children insured;

(c) The administrative cost of implementing the program;

(d) Descriptions of the services utilized by children under the program;

(e) The number of children moving from private health insurance programs to the program;

(f) A comparison between the costs and coverages of the program proposed under this legislative bill and the private health insurance market in implementing Title XXI; and

(g) Recommendations by the committee regarding the continued funding and future provision of health insurance for the children eligible under this legislative bill.

(2) The committee shall consist of:

(a) Two representatives of the Department of Health and Human Services appointed by the Director of Health and Human Services;

(b) Two members of the Health and Human Services Committee of the Legislature appointed by the Chairperson of the Executive Board of the Legislative Council;

(c) Two members of the private health insurance industry appointed by the Governor; and

(d) Two members of the medical community with experience in serving the health care needs of children.

The Governor shall appoint a chairperson. The appointments shall be made no later than February 15, 1999. The committee shall meet at the call of a 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 the members.".

Messrs. Wehrbein and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

**MRS. CROSBY PRESIDING**

Messrs. Kristensen and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely withdrew the Wesely et al. amendment.

Mr. Bromm withdrew his amendment, FA518, found on page 744.

Mr. Beutler withdrew his amendment, FA519, found on page 744.

Mr. Bromm and Mrs. Brown offered the following amendment to the Brown pending amendment:
FA522

(Amendments to AM3257)

1. Strike sections 5 and 6 and all amendments thereto and insert the following new section:

"Sec. 5. (1) A committee shall be appointed to study the implementation of the federal Title XXI program described in this legislative bill and other alternatives for implementing Title XXI, including the use of private health insurance. The committee may utilize staff and other resources of the Department of Health and Human Services Finance and Support and shall submit a report to the Legislature by September 1, 2000, based on the committee's study. The report shall include but not be limited to:

(a) The number of children eligible for the Title XXI program;

(b) The number of children insured;

(c) The administrative cost of implementing the program;

(d) Descriptions of the services utilized by children under the program;

(e) The number of children moving from private health insurance programs to the program;

(f) A comparison between the costs and coverages of the program proposed under this legislative bill and the private health insurance market in implementing Title XXI; and

(g) Recommendations by the committee regarding the continued funding and future provision of health insurance for the children eligible under this legislative bill.

(2) The committee shall consist of:

(a) Two representatives of the Department of Health and Human Services appointed by the Director of Health and Human Services;

(b) Two members of the Health and Human Services Committee of the Legislature appointed by the Chairperson of the Executive Board of the Legislative Council;

(c) Two members of the private health insurance industry appointed by the Governor; and

(d) Two members of the medical community with experience in serving the health care needs of children appointed by the Governor.

The Governor shall appoint a chairperson. The appointments shall be made after January 15, 1999 and no later than February 15, 1999. The committee shall meet at the call of a 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 the members.".

The Bromm-Brown amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

The Brown amendment, AM3257, as amended, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1134.** Title read. Considered.

Standing Committee amendment, AM3137, printed separately and referred to on page 639, was considered.

Messrs. Schellpeper and Beutler asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee 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, 1 nay, 12 present and not voting, and 6 excused and not voting.

**AMENDMENT - Print in Journal**

Messrs. Maurstad, Vrtiska, and Schrock filed the following amendment to LB 1053:
AM3258

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature finds and declares:

(1) That it is a benefit to the state and in the best interest of the citizens of Nebraska to deliver economic and community development services in an integrated and coordinated system through increased community, state, and federal cooperation and collaboration;

(2) That the Partnership for Rural Nebraska is recognized as a strategic partnership between the State of Nebraska, the University of Nebraska, and the United States Department of Agriculture, the purpose of which is to provide a formal structure of organizational collaboration and delivery of rural economic and community development resources and programs to Nebraska's rural communities;

(3) That the Partnership for Rural Nebraska has earned national recognition as a model for cooperative and collaborative delivery of services; and

(4) That it encourages the continued participation of the State of Nebraska, through the Department of Economic Development, the Rural Development Commission, and the University of Nebraska, in the Partnership for Rural Nebraska.

Sec. 2. Section 81-1282, Reissue Revised Statutes of Nebraska, is amended to read:

81-1282. There is hereby created the Rural Development Commission. The commission shall advocate and recommend programs that encourage regional cooperation and foster community sustainability and economic development initiatives in rural areas of Nebraska. For administrative purposes, the commission and its executive director and staff shall be within the Department of Economic Development. The Director of Economic Development, in consultation with the chairperson and vice-chairperson of the commission, shall supervise the hiring of the executive director using the state personnel hiring process. The Director of Economic Development, in consultation with the chairperson and vice-chairperson and the executive director, may employ personnel necessary to carry out the powers and duties of the commission. The Lieutenant Governor, the Governor's Policy Research Office, the Department of Economic Development, the Department of Agriculture, and other state agencies may provide administrative and technical support under the direct supervision of the Governor. The commission may secure cooperation and assistance of other appropriate government and private-sector entities specifically for rural programs.

Sec. 3. Section 81-1283, Reissue Revised Statutes of Nebraska, is amended to read:

81-1283. (1) The Rural Development Commission shall consist of nineteen members who represent a wide range of rural Nebraska interests. The Governor with the advice of the commission shall appoint the members of the commission. The chairperson and vice-chairperson of the commission shall be elected by a majority

of the voting members of the commission at the first commission meeting in odd-numbered years and shall each serve a two-year term as chairperson and vice-chairperson, respectively. ~~and the chairperson and vice-chairperson of the commission.~~ The appointments may include representation from nonmetropolitan Nebraska residents, business, agriculture, nonprofit organizations, federal, state, and local government, Nebraska's Indian tribes, and other groups as necessary to conduct the business of the commission. The Governor and commission shall consider and attempt to balance representation based on political party affiliation, gender, race, age, community size, and the different geographical areas of Nebraska when making appointments.

(2) The terms of the initial members shall be as follows: Six members shall serve for one-year terms; seven members shall serve for two-year terms, including the members designated as chairperson and vice-chairperson; and four members shall serve for three-year terms. Thereafter members shall serve for terms of two years. The Governor shall appoint two ex officio, nonvoting members from the Legislature for two-year terms. Members ~~other than the chairperson and vice-chairperson~~ may not serve more than three consecutive two-year terms, except that a member who serves a term as chairperson or vice-chairperson may serve a total of four consecutive two-year terms.

(3) The commission shall meet at the call of the chairperson or a majority of the voting members. The chairperson shall call such meetings as he or she determines necessary to fulfill the duties of the commission. A quorum shall be one-half of the voting members.

(4) The members of the commission shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177 and pursuant to policies of the commission.

Sec. 4. Section 81-1284, Reissue Revised Statutes of Nebraska, is amended to read:

81-1284. The Rural Development Commission shall create and support community and regional development capacity enhancement programs and strategies throughout Nebraska that:

(1) Recognize shared local, regional, and state responsibility for shaping the community's and the region's economic future and generate and focus public and private resources on effective actions that help communities and businesses to grow and prosper;

(2) Encourage public-private partnerships in order to leverage and enhance public resources through private investment;

(3) Increase the resources directed toward economic development by building support within communities and assisting communities in planning their own economic futures by providing them with comprehensive information about the principles of community and economic development, including the concepts of entrepreneurial communities, strategic planning, leadership

training, community development, and effective sustainable economic development;

~~(1)~~ (4) Focus attention on and increase awareness of the opportunities and needs of rural Nebraskans;

~~(2)~~ (5) Advocate for rural Nebraska by proposing solutions to rural challenges;

~~(3)~~ (6) Strengthen community sustainability and growth in rural Nebraska through increased community-based wealth creation, expanded economic opportunity, and improved quality of life;

~~(4)~~ (7) Stimulate rural development innovation and foster information transfer to, from, and within rural Nebraska;

~~(5)~~ (8) Encourage and support continuity, coordination, and cooperation among national, state, multicommunity, and local rural development initiatives and service providers;

~~(6)~~ (9) Ensure that rural Nebraskans are afforded the opportunity to determine rural Nebraska's development agenda;

~~(7)~~ (10) Serve as an advisory body to the Governor, state agencies, and the Legislature on rural development issues;

~~(8)~~ (11) Establish an information clearinghouse on rural challenges and needs, development services, model initiatives, available resources, and service providers;

~~(9)~~ (12) Foster community-based development initiatives through multicommunity partnerships;

~~(10)~~ (13) Support strategic planning and research for and evaluation of rural development initiatives and service providers by administering the Nebraska Development Network Program; ~~and~~

~~(11)~~ (14) Serve as Nebraska's rural development council within the meaning of the ~~Presidential Initiative on Rural America~~ National Rural Development Partnership by providing inventories, reports, assessments, and implementation plans as appropriate; and

(15) Participate in the Partnership for Rural Nebraska.

Sec. 5. This act becomes operative July 1, 1999.

Sec. 6. Original sections 81-1282 to 81-1284, Reissue Revised Statutes of Nebraska, are repealed.".

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1063A.** 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 1063, Ninety-fifth Legislature, Second Session, 1998.

## MOTION - Print in Journal

Mr. Tyson filed the following motion to LB 1075:

Place LB 1075 on General File notwithstanding the action of the Business and Labor Committee under Rule 3, Sec. 17.

## VISITORS

Visitors to the Chamber were Mayor Art Anderson and Eric Koeppe from Bloomfield; Norman Nelson from Fremont and Mike Collins from Wahoo; Erin Nowlan and Kevin Walker from Lincoln; Linda Aerni from Columbus; 60 fourth grade students and teachers from Eagle Elementary School; and 29 students and sponsor from Creighton University International Studies Program, Omaha.

## ADJOURNMENT

At 12:00 noon, on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Wednesday, February 25, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

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# THIRTY-SECOND DAY – FEBRUARY 25, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 25, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

### PRAYER

The prayer was offered by Pastor Rod Thelander, First Church of the Nazarene, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Jones, Landis, Robinson, Schmitt, Wesely, Will, Mmes. Bohlke, and Hudkins who were excused until they arrive.

**PRESIDENT ROBAK PRESIDING**

### CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

### GENERAL FILE

**LEGISLATIVE BILL 1041A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

### BILL ON FINAL READING

#### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 497 with 34 ayes, 1 nay, 6 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 497.** With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 79-940, 79-942, 79-944, 79-947, 79-980, 79-981, 79-984, 79-988.01, 79-994, 79-995, 79-997, 79-998, 79-9,100, 79-9,103, 79-9,107, 79-9,115, and 79-1043, Reissue Revised Statutes of Nebraska, and sections 79-939, 79-978, 79-979, 79-986, 79-988, 79-991, 79-992, 79-9,102, 79-9,104, 79-9,113, and 84-1511, Revised Statutes Supplement, 1997; to change provisions relating to school employee retirement for Class V school districts; to name an act; to change the monthly formula retirement annuity; to provide cost-of-living adjustments; 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Jones | Peterson, C. | Thompson |
| Bohlke | Elmer | Kiel | Preister | Tyson |
| Brashear | Engel | Kristensen | Raikes | Vrtiska |
| Bromm | Hartnett | Landis | Robak | Wehrbein |
| Brown | Hilgert | Lynch | Schellpeper | Wesely |
| Bruning | Hillman | Matzke | Schimek | Wickersham |
| Coordsen | Hudkins | Maurstad | Schrock | Will |
| Crosby | Janssen | Pedersen, Dw. | Stuhr | Willhoft |
| Cudaback | Jensen | Pederson, D. | Suttle | Witek |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Abboud Robinson Schmitt

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. Will asked unanimous consent to be excused. No objections. So ordered.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 33.** With Emergency.

A BILL FOR AN ACT relating to counties; to amend section 23-1517.02, Reissue Revised Statutes of Nebraska; to change provisions relating to computer records maintained by the register of deeds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Jensen | Pederson, D. | Suttle |
| Bohlke | Dierks | Jones | Peterson, C. | Thompson |
| Brashear | Elmer | Kiel | Preister | Tyson |
| Bromm | Engel | Kristensen | Raikes | Vrtiska |
| Brown | Hartnett | Landis | Robak | Wehrbein |
| Bruning | Hilgert | Lynch | Schellpeper | Wesely |
| Chambers | Hillman | Matzke | Schimek | Wickersham |
| Coordsen | Hudkins | Maurstad | Schrock | Willhoft |
| Crosby | Janssen | Pedersen, Dw. | Stuhr | Witek |

Voting in the negative, 0.

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Robinson | Schmitt | 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 109.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-424, Reissue Revised Statutes of Nebraska; to authorize the issuance of citations by certain officials and inspectors for violations of fire, health, and safety codes and constructional technical codes; 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Jones | Peterson, C. | Thompson |
| Bohlke | Elmer | Kiel | Preister | Tyson |
| Brashear | Engel | Kristensen | Raikes | Vrtiska |
| Bromm | Hartnett | Landis | Robak | Wehrbein |
| Brown | Hilgert | Lynch | Schellpeper | Wesely |
| Bruning | Hillman | Matzke | Schrock | Wickersham |
| Chambers | Hudkins | Maurstad | Stuhr | Willhoft |
| Crosby | Janssen | Pedersen, Dw. | Suttle | Witek |
| Cudaback | Jensen | Pederson, D. | | |

Voting in the negative, 0.

Present and not voting, 2:

Coordsen Schimek

Excused and not voting, 4:

Abboud Robinson Schmitt Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 299.**

A BILL FOR AN ACT relating to handicapped parking; to amend sections 18-1736, 18-1737, and 18-1741.01, Reissue Revised Statutes of Nebraska, and section 81-1108.15, Revised Statutes Supplement, 1996; to change placement provisions for permits; to provide for designation of parking spaces; to provide for agreements for enforcement of handicapped parking statutes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Jones | Peterson, C. | Thompson |
| Bohlke | Elmer | Kiel | Preister | Tyson |
| Bromm | Engel | Kristensen | Raikes | Vrtiska |
| Brown | Hartnett | Landis | Robak | Wehrbein |
| Bruning | Hilgert | Lynch | Schellpeper | Wesely |
| Chambers | Hillman | Matzke | Schimek | Wickersham |
| Coordsen | Hudkins | Maurstad | Stuhr | Willhoft |
| Crosby | Janssen | Pedersen, Dw. | Suttle | Witek |
| Cudaback | Jensen | Pederson, D. | | |

Voting in the negative, 0.

Present and not voting, 2:

Brashear Schrock

Excused and not voting, 4:

Abboud Robinson Schmitt Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 369 to Select File**

Mr. Kristensen moved to return LB 369 to Select File for the following specific amendment:
FA524
Strike the enacting clause.

Mr. Kristensen withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 369.**

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133 to 71-1,135.04 and 71-1,135.06, Reissue Revised Statutes of Nebraska; to redefine the practice of optometry; to change examination requirements; to redefine pharmaceutical agents; to provide for education regarding glaucoma; to change provisions relating to educational requirements; to provide requirements for the standard of care for the treatment of glaucoma; 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, 35:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Janssen | Raikes | Tyson |
| Bohlke | Elmer | Jones | Schimek | Vrtiska |
| Bromm | Engel | Kiel | Schmitt | Wehrbein |
| Bruning | Hartnett | Landis | Schrock | Wesely |
| Coordsen | Hilgert | Maurstad | Stuhr | Wickersham |
| Crosby | Hillman | Pederson, D. | Suttle | Willhoft |
| Cudaback | Hudkins | Peterson, C. | Thompson | Witek |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Jensen | Lynch | Matzke | Robak |
| Chambers | Kristensen | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brashear | Brown | Pedersen, Dw. | Preister | Schellpeper |

Excused and not voting, 2:

Robinson Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 376.**

A BILL FOR AN ACT relating to counties; to amend section 23-175, Reissue Revised Statutes of Nebraska; to change provisions relating to liability insurance procurement; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Jensen | Pederson, D. | Stuhr |
| Beutler | Cudaback | Jones | Peterson, C. | Thompson |
| Bohlke | Dierks | Kiel | Preister | Tyson |
| Brashear | Elmer | Kristensen | Raikes | Vrtiska |
| Bromm | Engel | Landis | Robak | Wehrbein |
| Brown | Hartnett | Lynch | Schellpeper | Wesely |
| Bruning | Hilgert | Matzke | Schimek | Wickersham |
| Chambers | Hudkins | Maurstad | Schmitt | Willhoft |
| Coordsen | Janssen | Pedersen, Dw. | Schrock | Witek |

Voting in the negative, 0.

Present and not voting, 2:

Hillman Suttle

Excused and not voting, 2:

Robinson Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 629.**

A BILL FOR AN ACT relating to schools; to amend sections 79-102 and 79-407, Revised Statutes Supplement, 1997; to change provisions relating to classification of school districts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Peterson, C. | Suttle |
| Beutler | Dierks | Kiel | Preister | Thompson |
| Bohlke | Elmer | Kristensen | Raikes | Tyson |
| Brashear | Engel | Landis | Robak | Vrtiska |
| Bromm | Hartnett | Lynch | Schellpeper | Wehrbein |
| Brown | Hillman | Matzke | Schimek | Wesely |
| Bruning | Hudkins | Maurstad | Schmitt | Wickersham |
| Chambers | Janssen | Pedersen, Dw. | Schrock | Willhoft |
| Coordsen | Jensen | Pederson, D. | Stuhr | Witek |
| Crosby | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Hilgert

Excused and not voting, 2:

Robinson Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 834.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-648, Revised Statutes Supplement, 1996; to change a provision relating to combined tax; 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 | Bohlke | Bromm | Bruning | Coordsen |
| Beutler | Brashear | Brown | Chambers | Crosby |

| | | | | |
|---|---|---|---|---|
| Cudaback | Hudkins | Matzke | Robak | Thompson |
| Dierks | Janssen | Maurstad | Schellpeper | Tyson |
| Elmer | Jensen | Pedersen, Dw. | Schimek | Vrtiska |
| Engel | Jones | Pederson, D. | Schmitt | Wesely |
| Hartnett | Kiel | Peterson, C. | Schrock | Wickersham |
| Hilgert | Kristensen | Preister | Stuhr | Willhoft |
| Hillman | Landis | Raikes | Suttle | Witek |

Voting in the negative, 0.

Present and not voting, 2:

Lynch Wehrbein

Excused and not voting, 2:

Robinson Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 234 to Select File**

Mr. Brashear moved to return LB 234 to Select File for the following specific amendment:
AM3315

(Amendments to Final Reading copy)

1. Strike section 6 and insert the following new sections:

"Sec. 5. Section 25-1227, Reissue Revised Statutes of Nebraska, is amended to read:

25-1227. (1) Witnesses in civil cases cannot be compelled to attend a trial ~~in the district court~~ out of the state where they are served~~,~~ ~~nor~~ or at a distance of more than one hundred miles from the place of their residence~~,~~ or from the place where they are served with a subpoena, unless within the same county. Witnesses in civil cases shall not be obliged to attend a deposition outside the county of their residence~~,~~ or outside the county where the subpoena is served.

(2) A district court or county court judge, for good cause shown, may, upon deposit with the clerk of the court of sufficient money to pay the legal fees and mileage and reasonable expenses for hotel and meals of such a witness who attends at points so far removed from his or her residence as to make it reasonably necessary that such expenses be incurred, order a subpoena to issue requiring the trial attendance, but excluding a deposition appearance, of such witness from a greater distance within the state than that provided in subsection (1) of this section. Mileage shall be computed at the rate provided in section

81-1176. ~~for state employees.~~ The subpoena shall show that it is issued under the provisions hereof. After the appearance of such witness in response to any such subpoena, the judge shall enter an order directing the payment to the witness from such deposit of such legal fees, mileage, and the actual expenses for hotel and meals incurred by such witness. If such deposit is not adequate for such purpose, the judge shall direct the party procuring the issuance of such subpoena to pay to such witness the deficiency.

(3) No other subpoena except from the district court or county court can compel a witness to attend for examination on the trial of a civil action, except in the county of his or her residence, nor to attend to give his or her deposition out of the county where he or she resides, or where he or she may be when the subpoena is served upon him or her.

Sec. 6. Section 25-1330, Reissue Revised Statutes of Nebraska, is amended to read:

25-1330. A party seeking to recover in district court upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may, at any time after the ~~filing of answer~~ expiration of thirty days from the service of process on the opposing party or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in his or her favor upon all or any part thereof.

Sec. 7. Section 25-21,159, Reissue Revised Statutes of Nebraska, is amended to read:

25-21,159. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard. If a ~~, and if the~~ statute~~, ordinance or franchise~~ is alleged to be unconstitutional, the Attorney General of the state shall also be served with a copy of the proceeding and be entitled to be heard.

Sec. 9. Section 25-2704, Revised Statutes Supplement, 1997, is amended to read:

25-2704. In any civil action in county court, the summons, pleadings, and time for filings shall be ~~returnable ten days after the commencement of the action~~ the same as provided for civil actions in district court. The summons shall be returnable twenty days after the date of issue as provided in section 25-507.01. The answer or demurrer of the defendant shall be filed within ~~twenty~~ thirty days after service of the summons and petition or completion of service by publication, whichever is later, as provided in section 25-821. The reply or demurrer of the plaintiff shall be filed within fifteen days after the filing of the answer as provided in section 25-821. The court, for good cause shown, may extend the time for filing an answer or reply. The case shall

stand for trial at the earliest available time on the court docket after the issues therein are or, according to the times fixed for pleading, should have been made up.

Sec. 10. The county court shall have the power to set aside default judgments and to vacate or modify its own judgments or orders after the term at which such judgments or orders were made in the same manner as provided for actions filed in the district court.

Sec. 11. Original sections 25-311, 25-320, 25-701, 25-1227, 25-1330, 25-21,159, and 25-21,180, Reissue Revised Statutes of Nebraska, and section 25-2704, Revised Statutes Supplement, 1997, are repealed.".

2. On page 1, line 2, before "and" insert "25-1227, 25-1330, 25-21,159,"; in line 3 after "Nebraska" insert ", and section 25-2704, Revised Statutes Supplement, 1997"; in line 4 after the first semicolon insert "to authorize county courts to compel attendance of witnesses; to change pleading procedure in county courts; to provide for and eliminate provisions regarding setting aside default judgments; to change summary judgment procedure; to eliminate notice to the Attorney General regarding a declaratory judgment on the validity of a municipal ordinance or franchise;"; and in line 6 strike "and" and after the comma insert "and 25-2720,".

3. On page 5, line 14, strike "and" and after the comma insert "and 25-2720,".

4. Renumber the remaining sections accordingly.

The Brashear motion to return prevailed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 234.** The Brashear specific amendment, AM3315, found in this day's Journal, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

## STANDING COMMITTEE REPORT
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 1152.** Placed on General File as amended.
Standing Committee amendment to LB 1152:
AM3088

1. On page 6, strike lines 24 through 28 and insert:

"(2) If a county intends to adopt a county comprehensive development plan or zoning resolution, the county board may, after notice and public hearing, adopt interim zoning measures by resolution without first having adopted a county comprehensive

development plan. The interim zoning measures may include an interim zoning resolution, map, or regulation. Notice of the time and place of the public hearing shall be given by publication in a legal newspaper of general circulation in the county one time at least ten days prior to the hearing. A copy of the proposed interim zoning measures, including any resolution, map, or regulation, shall be available for inspection during regular business hours at the office of the county clerk at least ten days prior to the hearing. An interim zoning measure is effective (a) for two years after the date of adoption by the county board or (b) until the date a final county comprehensive development plan or zoning resolution is adopted, whichever occurs first. While the interim zoning measures are in effect, the county board shall establish a planning commission and take steps necessary to prepare and implement a comprehensive development plan or zoning resolution. If a county does not adopt a comprehensive development plan or zoning resolution within the two-year effective period after the interim zoning measure is adopted, such county shall not enact another interim zoning measure for five years after the date the prior interim zoning measure was adopted.".

2. On page 7, strike lines 1 through 12.

(Signed) Ray Janssen, Vice Chairperson

**MOTION - Print in Journal**

Mr. Chambers filed the following motion to LB 869:
Place on General File, pursuant to Rule 3(19)(b).

**WITHDRAW - Motion to LB 59**

Mr. Vrtiska withdrew his motion, found on page 722, to ask unanimous consent to bracket LB 59 to March 20, 1998.

**MOTION - Bracket LB 59**

Mr. Vrtiska renewed his pending motion, found on page 743, to ask unanimous consent to bracket LB 59 to March 10, 1998. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 45CA.** Read. Considered.

Standing Committee amendment, AM2848, found on page 420, was considered.

Messrs. Kristensen, Dw. Pedersen, 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:
FA528
Amend committee amendment, AM2848
P. 1, line 9, strike beginning with "in" through "class" in line 10.

Messrs. Janssen, Cudaback, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS
### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 483.** Placed on General File as amended.
Standing Committee amendment to LB 483:
AM2799
1. On page 3, strike beginning with "The" in line 25 through line 27 and insert "The State Surveyor may grant a waiver of the requirements of this section upon submission of evidence that the standards of accuracy and specifications used exceed the requirements of this section.".

**LEGISLATIVE BILL 1243.** Placed on General File as amended.
Standing Committee amendment to LB 1243:
AM3303
1. On page 6, line 17, after "council" insert "or board".

**LEGISLATIVE BILL 1246.** Placed on General File as amended.
Standing Committee amendment to LB 1246:
AM2939
1. Strike original section 2 and insert the following new sections:
"Sec. 2. Section 49-1401, Revised Statutes Supplement, 1997, is amended to read:
49-1401. Sections 49-1401 to 49-14,140 and sections 4 and 5 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. 3. Section 49-1405, Reissue Revised Statutes of Nebraska, is amended to read:

49-1405. Ballot question shall mean any question which is submitted or which is intended to be submitted to a popular vote at an election, including, but not limited to, a question submitted or intended to be submitted by way of initiative, referendum, recall, judicial retention, or bond issue or as a result of legislative action or action of a political subdivision, whether or not it qualifies for the ballot.

Sec. 4. Any group which intends to oppose the retention of a judge shall file a declaration of intent with the commission on or before September 1 of the year in which the retention election is to be held.

Sec. 5. (1) For purposes of this section and section 32-628, sponsor means a committee or a person which or who:

(a) Makes an expenditure or an independent expenditure for the purpose of facilitating, organizing, or contributing in anyway to the circulation of a petition; or

(b) Causes payments or contributions to be made to any employer as defined by section 32-628 for the purpose of causing or contributing to the compensation of a paid circulator.

(2) Each sponsor of a petition shall cause the legal or registered name of the sponsor to be printed in accordance with section 32-628 on each page of the petition.

(3) Any person who violates this section shall be guilty of a Class IV misdemeanor.

Sec. 6. Original section 49-1405, Reissue Revised Statutes of Nebraska, and sections 32-628 and 49-1401, Revised Statutes Supplement, 1997, are repealed.".

2. On page 3, line 17, after "CIRCULATOR" insert "AND IS SPONSORED BY .....".

**LEGISLATIVE BILL 1281.** Placed on General File as amended.
Standing Committee amendment to LB 1281:
AM3058

1. On page 5, line 7, strike "nine" and insert "seven"; and strike lines 19 through 28 and insert:

| | |
|---|---|
| "1 | 70% |
| 2 | 60 |
| 3 | 50 |
| 4 | 40 |
| 5 | 30 |
| 6 | 20 |
| 7 | 10 |
| 8 and after | 0". |

2. On page 6, strike line 1.

(Signed) C. N. "Bud" Robinson, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 1075.** Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 1330.** Placed on General File as amended.
Standing Committee amendment to LB 1330:
AM3304

1. Insert the following new section:
"Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) C. N. "Bud" Robinson, Chairperson

**AMENDMENT - Print in Journal**

Mrs. Brown filed the following amendment to LB 1063:
FA525

(Amendments to E & R amendments, AM7208)

1. Insert the following new section:
"Sec. 6. The changes made to sections 68-1019, 68-1020, 68-1021, and 68-1037 by this legislative bill terminate on July 1, 2001, unless extended by the Legislature.".
2. Renumber the remaining sections accordingly.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 497, 33, 109, 299, 369, 376, 629, and 834.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 25, 1998, at 10:20 a.m., were the following bills: LBs 33, 109, 299, 369, 376, 629, 834, and 497.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 45CA.** Mr. Maurstad renewed his pending amendment, AM2957, found on page 556.

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Maurstad pending amendment:
FA530
Amend AM2957
Add: "Any city of the metropolitan class which exists on the effective date of this proposal shall be known and identified by the term, jerkwater town."

Messrs. Dierks, Bromm, and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Engel asked unanimous consent to be excused. No objections. So ordered.

Mr. Maurstad requested a record vote on his pending amendment, AM2957.

Voting in the affirmative, 7:

| | | | | |
|---|---|---|---|---|
| Brown | Hilgert | Janssen | Maurstad | Tyson |
| Crosby | | Jones | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Pederson, D. | Schimek | Wesely |
| Beutler | Elmer | Peterson, C. | Schmitt | Wickersham |
| Bruning | Hartnett | Raikes | Thompson | |

Present and not voting, 20:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hillman | Matzke | Schellpeper | Vrtiska |
| Brashear | Hudkins | Pedersen, Dw. | Schrock | Wehrbein |
| Coordsen | Kiel | Preister | Stuhr | Willhoft |
| Cudaback | Kristensen | Robinson | Suttle | Witek |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Bromm | Engel | Landis | Robak | Will |
| Dierks | Jensen | Lynch | | |

The Maurstad amendment lost with 7 ayes, 14 nays, 20 present and not voting, and 8 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS
### Education

**LEGISLATIVE BILL 1228.** Placed on General File as amended.
(Standing Committee amendment, AM3320, 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 1229.** Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

### Health and Human Services

**LEGISLATIVE BILL 1146.** Placed on General File.
**LEGISLATIVE BILL 1244.** Placed on General File.

**LEGISLATIVE BILL 1181.** Indefinitely postponed.

(Signed) Don Wesely, Chairperson

### Agriculture

**LEGISLATIVE BILL 1048.** Placed on General File.
**LEGISLATIVE BILL 1248.** Placed on General File.

(Signed) Merton L. Dierks, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1180.** Placed on Select File.
**LEGISLATIVE BILL 1015.** Placed on Select File.

**LEGISLATIVE BILL 1056.** Placed on Select File as amended.
E & R amendment to LB 1056:
AM7209

1. In the Standing Committee amendments, AM2839, on page 2, line 21, strike "department" and insert "Department of Motor Vehicles".

2. On page 1, line 4, strike the second "to" and insert "for"; in line 7 after "for" insert "licenses and"; and in line 8 strike "update" and insert "change provisions relating to".

3. On page 3, line 1, strike "department" and insert "Department of Motor Vehicles".

4. On page 4, line 26, after "laws" insert an underscored comma.

**LEGISLATIVE BILL 1063.** Placed on Select File as amended.

E & R amendment to LB 1063:
AM7208

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 68-1019, Reissue Revised Statutes of Nebraska, is amended to read:

68-1019. (1) Medical assistance on behalf of recipients shall be paid directly to vendors.

(2) On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.

(3) On behalf of all recipients, medical assistance shall include:

(a) Inpatient and outpatient hospital care;

(b) Laboratory and X-ray services;

(c) Nursing home services;

(d) Care home services;

(e) Home health care services;

(f) Nursing services;

(g) Clinic services;

(h) Services of practitioners licensed by the Department of Health and Human Services Regulation and Licensure; and

(i) Such drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health and Human Services Regulation and Licensure.

(4) The Director of Finance and Support ~~shall~~ may adopt a schedule of premiums, copayments, and deductibles for goods and services provided under the medical assistance program as may be allowed by Title XIX or Title XXI of the federal Social Security Act, as amended as of the operative date of this act. The system of copayments and deductibles in the schedule shall discourage abuse of high-cost services and encourage the utilization of cost-effective services. Prior to the adoption of the schedule of copayments and deductibles, the director shall provide a report to the Governor and the Legislature outlining proposed copayments and deductibles. The report shall collect and summarize available data from other states concerning their experience with copayments and deductibles, determine if vendors may be reimbursed for copayments and deductibles resulting from a recipient's inability to pay, evaluate the collectability of copayments and deductibles, and assess the effect of copayments and deductibles on recipients, vendors, access to and availability of care, and utilization of affected medical assistance program services. The report shall include data from Nebraska as it becomes available. The report shall also provide information as to other cost-containment mechanisms which have been implemented or proposed by the Department of Health and Human Services Finance and Support for the fiscal year. The report shall be provided to the Governor and the Legislature by December 1 of each year. No schedule of copayments

and deductibles shall be put into effect until July 1 following the report, except that for the first year the schedule shall be put into effect by April 1. A vendor shall be responsible for collecting any applicable copayment or deductible from the recipient.

(5) The Director of Finance and Support shall provide limits as to the amount, duration, and scope of services and goods recipients may receive under the medical assistance program. For purposes of providing limits as to the amount, duration, and scope of services and goods recipients may receive under the medical assistance program, the Department of Health and Human Services Finance and Support shall adopt and promulgate rules and regulations. The limits adopted shall in all respects comply with applicable provisions of Title XIX of the federal Social Security Act and the related federal regulations, as they may be amended from time to time. Prior to the adoption of such rules and regulations, the director shall provide a report to the Governor and the Legislature outlining proposed limits. Such report shall be provided to the Governor and the Legislature by December 1 of each year. No rules or regulations to implement such limits shall be put into effect until April 1 following the report.

(6) No vendor shall advertise or promote through newspapers, magazines, circulars, direct mail, directories, radio, television, or otherwise that such vendor will waive the collection of all or any portion of any copayment or deductible established pursuant to subsection (4) of this section.

Sec. 2. Section 68-1020, Reissue Revised Statutes of Nebraska, is amended to read:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and on behalf of all individuals less than twenty-one years of age who are eligible under section 1905(a) of the federal Social Security Act, as amended.

(2) The Director of Finance and Support shall adopt and promulgate rules and regulations governing provision of such medical assistance benefits to qualified individuals:

(a) Who are presumptively eligible as allowed under 42 U.S.C. 1396a, as amended, and section 1920A of the federal Social Security Act, as amended; ~~or~~

(b) Who have income at or below one hundred ~~fifty~~ eighty-five percent of the Office of Management and Budget ~~income~~ poverty ~~guidelines~~ line, as allowed under Title XIX and Title XXI of the federal Social Security Act, as amended, without regard to resources, including all children ~~up to such~~ under nineteen years of age and pregnant women as allowed under 42 U.S.C. 1396a, as amended, and section 2110 of the federal Social Security Act, as amended. Children described in this subdivision shall remain eligible for a twelve-month period of time from the date of

eligibility prior to redetermination of eligibility; or

(c) Who are medically needy caretaker relatives as allowed under section 1905(a)(ii) of the federal Social Security Act, as amended, and who have children with allocated income as follows:

(i) At or below one hundred fifty percent of the Office of Management and Budget poverty line with eligible children one year of age or younger;

(ii) At or below one hundred thirty-three percent of the Office of Management and Budget poverty line with eligible children over one year of age and under six years of age; or

(iii) At or below one hundred percent of the Office of Management and Budget poverty line with eligible children six years of age or more and under fifteen years of age.

Sec. 3. Section 68-1021, Reissue Revised Statutes of Nebraska, is amended to read:

68-1021. For the purpose of paying medical assistance as defined in sections 68-1002, 68-1006, and 68-1018 to 68-1025, the State of Nebraska hereby accepts and assents to all applicable provisions of Title XIX of ~~an Act of Congress identified as H.R. 6675, 89th Congress, approved July 30, 1965~~ the federal Social Security Act, as amended as of the operative date of this act, and, effective October 1, 1997, Title XXI of the federal Social Security Act, as amended as of the operative date of this act. The Director of Finance and Support is authorized to adopt and promulgate rules and regulations, to enter into agreements, to adopt fee schedules with regard to medical assistance benefits, rehabilitation services, and any other remedial services, and to adopt copayments and deductibles with respect to such benefits and services if the requirements of subsection (4) of section 68-1019 are met.

Sec. 4. Section 68-1037, Reissue Revised Statutes of Nebraska, is amended to read:

68-1037. The Legislature finds that it is in the best interests of the State of Nebraska to have health care services available to as many Nebraskans as possible. The Legislature further finds that the medical assistance program established in sections 68-1018 to 68-1025, also known as medicaid, and Title XXI of the federal Social Security Act, as amended as of the operative date of this act, should be utilized to the extent possible under federal law in order to provide health care for low-income children and families in Nebraska. The Legislature further finds this goal can be met in part by providing prenatal care to pregnant women and care to infants at the maximum level allowed by federal law. ~~Such persons qualify for care if the family income is less than or equal to one hundred fifty percent of the federal Office of Management and Budget income poverty guidelines.~~ It is the intent of this section and section 68-1020 to provide such health care services.

Sec. 5. (1) A committee shall be appointed to study the implementation of the federal Title XXI program described in this

legislative bill and other alternatives for implementing Title XXI, including the use of private health insurance. The committee may utilize staff and other resources of the Department of Health and Human Services Finance and Support and shall submit a report to the Legislature by September 1, 2000, based on the committee's study. The report shall include, but not be limited to:

(a) The number of children eligible for the Title XXI program;

(b) The number of children insured;

(c) The administrative cost of implementing the program;

(d) Descriptions of the services utilized by children under the program;

(e) The number of children moving from private health insurance programs to the program;

(f) A comparison between the costs and coverages of the program proposed under this legislative bill and the private health insurance market in implementing Title XXI; and

(g) Recommendations by the committee regarding the continued funding and future provision of health insurance for the children eligible under this legislative bill.

(2) The committee shall consist of:

(a) Two representatives of the Department of Health and Human Services appointed by the Director of Health and Human Services;

(b) Two members of the Health and Human Services Committee of the Legislature appointed by the Chairperson of the Executive Board of the Legislative Council;

(c) Two members of the private health insurance industry appointed by the Governor; and

(d) Two members of the medical community with experience in serving the health care needs of children appointed by the Governor.

(3) The Governor shall appoint a chairperson. The appointments shall be made after January 15, 1999, and no later than February 15, 1999. The committee shall meet at the call of a 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 the members.

Sec. 6. This act becomes operative September 1, 1998.

Sec. 7. Original sections 68-1019, 68-1020, 68-1021, and 68-1037, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, strike beginning with the semicolon in line 4 through "Services" in line 5 and insert "and provision of goods and services under the medical assistance program; to create a committee; to provide for a study".

(Signed) Jon C. Bruning, 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.

NHHS Partnership Council
Pam Bataillon
Elnora Carr
Connie Day
Charles Evans
Bradley Sher

Heath and Human Services, Policy Secretary
Deb Thomas

VOTE: Aye: Senators Wesely, Matzke, Dierks, Jensen, Suttle, and Thompson. Nay: None. Absent: Senator Witek.

(Signed) Don Wesely, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 325.** Introduced by C. Peterson, 35.

WHEREAS, the Grand Island Central Catholic Girls' Basketball Team won the Class C-1, District 6 Championship with a 59-52 victory over Southern Valley; and

WHEREAS, the win moves Grand Island Central Catholic into the Nebraska Girls State Basketball Tournament to be held in Lincoln on March 5-7; and

WHEREAS, the Grand Island Central Catholic Girls' Basketball Team exemplifies the spirit of competition, the pursuit of team excellence, and the opportunity for parent and community involvement.

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

1. That the Legislature congratulates the Grand Island Central Catholic Girls' Basketball Team and their coaches, Clayton Luther and Paula Poppe, for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Grand Island Central Catholic Girls' Basketball Team.

Laid over.

## AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LR 45CA:
FA529

In line 15 page 7 after "consolidated" add the word "except" and after "as" add the word "otherwise"

## MOTION - Print in Journal

Mr. Abboud filed the following motion to LB 1362 and LB 1363:

Suspend the rules, specifically Rule 3, Section 13, requiring the giving of seven days notice of a public hearing, so as to hold a hearing on LB 1362 and LB 1363 on March 2, 1998.

## UNANIMOUS CONSENT - Add Cointroducer

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 1147 and LB 1276. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Senator Willhoft's son, Jay, from Central City; Wes Robinson from Gering; and 10 first through fifth grade students, teachers, and principal from Kenwood Schools, Kearney.

The Doctor of the Day was Dr. Veskrna from Lincoln.

## ADJOURNMENT

At 12:09 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, February 26, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

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# THIRTY-THIRD DAY - FEBRUARY 26, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 26, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Father Lloyd Gnirk, Roncalli High School, Omaha, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Kiel who was excused; and Messrs. Bromm, Elmer, Hartnett, Landis, Matzke, Robinson, Wehrbein, Will, Mmes. Hillman, Robak, and Ms. Schimek 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 1134.** Placed on Select File as amended.
E & R amendment to LB 1134:
AM7210

1. On page 1, line 2, strike "and"; in line 3 after the first comma insert "and 84-612,"; and in line 4 after the semicolon insert "to create a fund; to provide for transfers from the General Fund and the Cash Reserve Fund;".

2. In the Standing Committee amendments, AM3137:

a. On page 15, line 26, strike the period, show as stricken, and insert "and"; and in line 27 strike "The payments" and show as stricken; and

b. On page 16, line 18, strike "years" and insert "year"; and in line 25 strike "section" and insert "subsection".

**LEGISLATIVE BILL 1041A.** Placed on Select File as amended.
E & R amendment to LB 1041A:
AM7211

1. On page 2, line 27, after "Services" insert "Finance and Support".

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
### Health and Human Services

**LEGISLATIVE BILL 1324.** Placed on General File as amended.
Standing Committee amendment to LB 1324:
AM3185

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Native American Public Health Fund Act.

Sec. 2. The Legislature finds that members of Nebraska's federally recognized Native American tribes are not receiving adequate basic public health services, especially in the areas of education and prevention. The leading causes of death among Native American people are largely preventable. Many Native American people suffer from preventable diseases such as diabetes, cardiovascular disease, and alcohol-related fatalities. An alarming number of tribal members engage in health-threatening activities such as smoking, substance abuse, and poor diet. Births to teenaged Native Americans are higher than any other racial group. Unintentional injuries are costing Native American people years of productivity and potential. As a result, the life expectancy among Native Americans is low while the infant mortality rate is high when compared to Nebraska's general population. The problems and future costs associated with a lack of adequate public health services will continue to escalate as seventy percent of tribal members on reservations and in service areas are children.

To protect a generation of Native American children and to provide for a safe, healthy future for future generations of Native American people, the Legislature declares that public health infrastructure focusing on health education and preventative health measures for Native Americans must be addressed.

Sec. 3. The Native American Public Health Fund is created. The fund may include revenue from appropriations from the Legislature, grants, private contributions, and all other sources. It is the intent of the Legislature that each year beginning with fiscal year 1998-99, five hundred thousand dollars shall be transferred from the General Fund to the Native American Public Health Fund. The fund shall be administered by the Department of Health and Human Services.

Sec. 4. The Department of Health and Human Services

shall use the Native American Public Health Fund to contract with the health clinics of Nebraska's federally recognized Native American tribes and Indian health organizations to provide educational and public health services targeted to Native American populations. The following educational and public health services may be considered by the department for such contracts:

(1) Identification and enrollment of children in state and federal programs providing access to health insurance or health care;

(2) Efforts to educate children and adults about the health risks associated with smoking and tobacco use, alcohol abuse, and other substances that threaten health and well-being and other activities designed to reduce the rate of substance abuse;

(3) Prenatal care education for women and notification of programs that improve prenatal care;

(4) Education focusing on proper diet and the importance of physical activity to good health;

(5) Blood pressure and cholesterol screenings;

(6) Support of efforts to identify children and adults at risk for depression and other mental health conditions and provide mental health counseling to prevent suicide;

(7) Parenting classes and the promotion of such programs;

(8) Efforts to discourage drinking and driving and to encourage the use of seat belts;

(9) Tests and education for acquired immunodeficiency syndrome and other sexually transmitted diseases;

(10) Tests for pregnancy and referrals to prenatal care when directed;

(11) Educational efforts aimed at reducing teen pregnancies and other unintended pregnancies;

(12) Case management for pregnant women, children, or adults with special health care needs;

(13) Efforts to make health care prevention services more affordable or accessible;

(14) Matching funds for state and federal programs designed to address public health needs;

(15) Staffing needs for public health services or education including the recruitment and training of Native American providers;

(16) Cervical and breast cancer detection services and other prevention components of comprehensive women's health services;

(17) Education to prevent and reduce the occurrence of diabetes; and

(18) Other prevention or educational activities or programs that address the health, safety, or self-sufficiency of Native American persons.

Sec. 5. During each fiscal year, the Director of Health and Human Services shall contract with the health clinics of

Nebraska's federally recognized Native American tribes as approved by the tribal councils and Indian health organizations to provide educational and public health services pursuant to section 4 of this act. The director shall fund all eligible contracts until the Native American Public Health Fund is depleted, but shall give priority to contracts which meet the following criteria:

(1) Programs or activities that directly impact the health and well-being of children;

(2) Programs or activities which serve the greater number of people over the longest period of time;

(3) Programs or activities that are part of a larger plan for strategic public health planning and implementation;

(4) Current programs or activities that have demonstrated success in improving public health or new programs or activities modeled on successful programs and activities; and

(5) Programs or activities that focus on primary prevention and show promise in reducing future health care expenditures.

Sec. 6. The Department of Health and Human Services shall provide technical assistance and assessment of needs evaluations upon request to aid tribal councils in the development of contract proposals.

Sec. 7. The Director of Health and Human Services shall equally distribute four hundred thousand dollars of the Native American Public Health Fund to each of the four federally recognized Native American tribes. If no contract proposals fitting the criteria of section 4 of this act are submitted, the tribe's share of the funds may be held by the director until such time that an adequate contract can be negotiated. The director shall distribute the remaining one hundred thousand dollars to any federally recognized tribes or Indian health organizations whose proposed educational and public health services contracts best meet the criteria of section 5 of this act.

Sec. 8. The recipients of the Native American Public Health Fund shall submit a report on the activities funded each fiscal year. The report shall provide information as required by the Director of Health and Human Services to determine the effectiveness of the contract in meeting the goals of the Native American Public Health Fund Act.

Sec. 9. If the Director of Health and Human Services determines that services are not being delivered in accordance with the contract, the director may seek to recapture all or a portion of funds expended.

Sec. 10. The Department of Health and Human Services shall adopt and promulgate rules and regulations to carry out the Native American Public Health Fund Act and shall adhere to already established or adopted and promulgated rules and regulations for contracted services under the act.".

(Signed) Don Wesely, Chairperson

## Nebraska Retirement Systems

**LEGISLATIVE BILL 337.** Placed on General File as amended.
Standing Committee amendment to LB 337:
AM3204

1. Strike original sections 1 and 3 to 5 and insert the following new section:

"Sec. 2. Original section 84-1308, Revised Statutes Supplement, 1996, is repealed.".

2. On page 3, line 28, after "four" insert "and thirty-three hundredths".

3. On page 4, lines 1 through 5, strike the new matter and reinstate the stricken matter.

4. Renumber the remaining section accordingly.

(Signed) Ray Janssen, Chairperson

## AMENDMENT - Print in Journal

Messrs. Brashear and Schellpeper filed the following amendment to LB 465: (Amendment, AM2823, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

## RESOLUTION

**LEGISLATIVE RESOLUTION 324.** Read. Considered.

LR 324 was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 404.** Messrs. Brashear, Chambers, Kristensen, and Landis renewed their pending amendment, FA510, found on page 688.

Mr. Beutler offered the following amendment to the Brashear et al. amendment:
FA531

Amend the Brashear amendment, FA510, by striking all language following the comma following 2, on line 1, and inserting the following

line 16, after "court" insert ", except than when the next vacancy occurs in the twelfth district after the operative date of this act it shall not be filled and thereafter in the twelfth district there shall be four judges of the district court".

Messrs. Coordsen, Janssen, Wehrbein, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate

now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Beutler amendment lost with 5 ayes, 19 nays, 19 present and not voting, and 6 excused and not voting.

Pending.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1053A.** Introduced by Willhoft, 34.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 389, section 217; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1053, Ninety-fifth Legislature, Second Session, 1998; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 204A.** 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 204, Ninety-fifth Legislature, Second Session, 1998.

**LEGISLATIVE BILL 820A.** 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 820, Ninety-fifth Legislature, Second Session, 1998.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Reengrossed

The following bill was correctly reengrossed: LB 234.

### Enrollment and Review Change to LB 234

The following changes, required to be reported for publication in the Journal, have been made:
ER9122
1. On page 1, line 5; and page 5, line 14, a comma has been inserted after "25-317".

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
### Health and Human Services

**LEGISLATIVE BILL 1096.** Placed on General File as amended.
Standing Committee amendment to LB 1096:
AM3332

1. On page 7, strike beginning with "upon" in line 17 through "person" in line 18, show the old matter as stricken, and insert "found applicable to the subject. If the subject is found to be a sexually violent offender, the subject shall be confined in a secure facility separate from subjects whose disposition has been ordered pursuant to subdivision (1)(b) of section 83-1009 until further order of the mental health board".

(Signed) Don Wesely, Chairperson

### Transportation

**LEGISLATIVE BILL 962.** Placed on General File.

**LEGISLATIVE BILL 933.** Indefinitely postponed.
**LEGISLATIVE BILL 1269.** Indefinitely postponed.
**LEGISLATIVE BILL 1312.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 1085.** Placed on General File.
**LEGISLATIVE BILL 1235.** Placed on General File.

**LEGISLATIVE BILL 1277.** Indefinitely postponed.
**LEGISLATIVE BILL 1307.** Indefinitely postponed.
**LEGISLATIVE BILL 1320.** Indefinitely postponed.

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Tim Hall - Director, Nebraska Department of Insurance

VOTE: Aye: Senators Landis, Jensen, Bruning, Jones, Schmitt, Tyson, and Wesely. Nay: Senator Witek. Absent: None.

(Signed) David M. Landis, Chairperson

## AMENDMENTS - Print in Journal

Mr. Lynch filed the following amendment to LB 1075:
AM3208

1. Insert the following new section:

"Sec. 6. A municipality which is a party to an action before the commission pursuant to the Nebraska Municipal Comparability Act shall reimburse the labor organization, as defined in section 48-801, which was the other party to the proceeding for ninety percent of the costs such labor organization incurs whether in attorney's fees, expert witness fees, or costs taxed by the commission to the labor organization. The reimbursement shall be made within ten days after the final order has been entered in such case.".

2. On page 2, line 1, strike "6" and insert "7".

3. Renumber the remaining sections accordingly.

Mr. Lynch filed the following amendment to LB 1075:
AM3212

1. Strike the original sections and insert the following new sections:

"Section 1. (1) Before any municipality pays any fees and costs incurred in preparation and trial, if held, under the Industrial Relations Act, the municipality shall submit an application to the commission authorizing such payment and the municipality is limited to paying no greater sums than the commission specifically authorizes.

(2) The application submitted shall:

(a) Identify with particularity the work done. This shall include: (i) If a conference was held, state who was present, what subjects were being discussed, and how long the conference lasted; (ii) if research was undertaken, state who did the research, what subjects and issues were researched, and whether the results were incorporated into a brief, motion, or pleading; (iii) if travel time is involved, segregate the travel time and state who traveled and where and the purpose and mode of the travel; and (iv) if charges are made for preparation of pleadings, identify the pleading and who prepared it;

(b) Identify the status, for example attorney, paralegal, or law student, of each person performing an item of work and each person's professional background;

(c) If any services were performed by a paralegal or law student, identify the salary or other wage rate at which the paralegal or law student was paid by the attorney or law firm; and

(d) If the services were applicable to more than one case, identify the relative applicability of the services to each case.

(3) If expenses were incurred as a result of work identified in subsection (2) of this section, then identify the

expense with particularity, and set forth the following:

(a) If a photocopying expense were charged, identify what items were being copied, why they were copied, what use was made of them, and how many pages of material were photocopied;

(b) If depositions are identified as expenses, list the name of the court reporter, the time of the deposition, the date of the deposition, the identity of the deponent, the purpose of taking the deposition (discovery or evidentiary), and what use was made of this deposition;

(c) If long-distance telephone expenses are listed, identify the date, by whom, to whom, where the call was made, and the subject of the call; and

(d) If travel expenses are claimed, identify the mode of travel and the basis of the charge and the number of nights of lodging and meals involved in such travel.

Sec. 2. Section 48-801.01, Revised Statutes Supplement, 1996, is amended to read:

48-801.01. Sections 48-801 to 48-838 and section 1 of this act shall be known and may be cited as the Industrial Relations Act.

Sec. 3. Original section 48-801.01, Revised Statutes Supplement, 1996, is repealed.".

Mrs. Suttle and Mr. Landis filed the following amendment to LB 1162:
AM3321

1. Insert the following new section:

"Sec. 81. (1) Notwithstanding section 44-3,131, any individual or group sickness and accident insurance policy or subscriber contract delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and any self-funded employee benefit plan to the extent not preempted by federal law, which provides reimbursement for prescription drugs approved by the federal Food and Drug Administration for the treatment of a specific type of cancer shall not exclude coverage of any drug or combination of drugs on the basis that the drug or combination of drugs has not been approved by the federal Food and Drug Administration for the treatment of another specific type of cancer, if (a) the drug or combination of drugs is recognized for treatment of the other specific type of cancer in the United States Pharmacopeia-Drug Information and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration, or (b) the drug or combination of drugs is recognized for treatment of the other specific type of cancer in medical literature and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration.

(2) Notwithstanding section 44-3,131, any individual or group sickness and accident insurance policy or subscriber contract

delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and any self-funded employee benefit plan to the extent not preempted by federal law, which provides reimbursement for prescription drugs approved by the federal Food and Drug Administration for the treatment of human immunodeficiency virus or acquired immunodeficiency syndrome shall not exclude coverage of any drug or combination of drugs on the basis that the drug or combination of drugs has not been approved by the federal Food and Drug Administration for the treatment of human immunodeficiency virus or acquired immunodeficiency syndrome, if (a) the drug or combination of drugs is recognized for treatment of human immunodeficiency virus or acquired immunodeficiency syndrome in the United States Pharmacopeia-Drug Information and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration, or (b) the drug or combination of drugs is recognized for treatment of human immunodeficiency virus or acquired immunodeficiency syndrome in medical literature and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration.

(3) Any coverage of a drug or combination of drugs required by this section shall include medically necessary services associated with the administration of the drug if such services are covered by the insurance policy, contract, or plan.

(4) Nothing in this section shall be construed to require coverage for any experimental or investigational drug not approved by the federal Food and Drug Administration.

(5) For purposes of this section, medical literature means two articles from major peer-reviewed professional medical journals that have recognized, based on scientific or medical criteria, the safety and effectiveness of the drug or combination of drugs for treatment of the indication for which it has been prescribed unless two articles from major peer-reviewed professional medical journals have concluded, based on scientific or medical criteria, that the drug or combination of drugs is unsafe or ineffective or that the safety and effectiveness of the drug or combination of drugs cannot be determined for the treatment of the indication for which the drug or combination of drugs has been prescribed. Each article shall meet the uniform requirements for manuscripts submitted to biomedical journals established by the International Committee of Medical Journal Editors or shall have been published in a journal specified by the United States Department of Health and Human Services pursuant to 42 U.S.C. 1395x(t)(2)(B), as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier.

(6) Within ninety days of the effective date of this act,

the chief medical officer, if one is appointed pursuant to section 81-3201, and if not, then the Director of Regulation and Licensure, shall appoint a panel of five medical experts as follows: Three medical oncologists, upon the recommendation of the Nebraska Oncology Society, and two specialists in the management of patients being treated for human immunodeficiency virus or acquired immunodeficiency syndrome, upon the recommendation of the Nebraska Medical Association. Members of the panel shall serve without compensation, except that they shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177. When there is a question regarding acceptable medical literature support of an administration under this section, the panel, upon request of the Director of Insurance, shall review the use in dispute and the medical literature and shall advise the Director of Insurance whether an administration is medically appropriate for purposes of this section. A majority vote of the members of the panel shall be necessary to determine that coverage is medically appropriate. The panel may meet in person or by telephone conference call or other communication means acceptable to the Director of Insurance and the chief medical officer, if one is appointed pursuant to section 81-3201, and if not, then the Director of Regulation and Licensure.

(7) This section shall apply to policies, plans, or contracts for insurance as provided in subsections (1) and (2) of this section which are delivered, issued for delivery, or renewed in this state on or after the effective date of this act.".

2. Renumber the remaining sections and correct internal references accordingly.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 324.

## SELECT FILE

**LEGISLATIVE BILL 404.** The Brashear et al. pending amendment, FA510, found on page 688 and considered in this day's Journal, was renewed.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Brashear moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Brashear requested a roll call vote on the Brashear et al. amendment.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Landis | Pederson, D. | Schimek |
| Brashear | Hilgert | Lynch | Preister | Suttle |
| Brown | Hillman | Matzke | Raikes | Thompson |
| Bruning | Hudkins | Maurstad | Robak | Wehrbein |
| Elmer | Jensen | Pedersen, Dw. | Robinson | Wickersham |
| Engel | | | | |

Voting in the negative, 7:

| | | | |
|---|---|---|---|
| Beutler | Kristensen | Schrock | Witek |
| Bohlke | Schellpeper | Wesely | |

Present and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Bromm | Cudaback | Jones | Schmitt | Tyson |
| Chambers | Dierks | Peterson, C. | Stuhr | Willhoft |
| Coordsen | Janssen | | | |

Absent and not voting, 1:

Vrtiska

Excused and not voting, 3:

| | | |
|---|---|---|
| Crosby | Kiel | Will |

The Brashear et al. amendment was adopted with 26 ayes, 7 nays, 12 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Brashear renewed his pending amendment, AM3154, found on page 688.

Mr. Brashear withdrew his amendment.

Mr. Brashear withdrew his amendment, AM3155, found on page 690.

Messrs. Schellpeper, Vrtiska, Cudaback, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kristensen | Peterson, C. | Suttle |
| Brashear | Elmer | Landis | Preister | Thompson |
| Bromm | Engel | Lynch | Raikes | Wesely |
| Brown | Hartnett | Matzke | Robinson | Wickersham |
| Bruning | Hilgert | Maurstad | Schimek | Willhoft |
| Coordsen | Hillman | Pedersen, Dw. | Schmitt | Witek |
| Crosby | Jensen | Pederson, D. | Schrock | |

Voting in the negative, 1:

Chambers

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | Janssen | Robak | Tyson | Wehrbein |
| Bohlke | Jones | Stuhr | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Cudaback | Kiel | Schellpeper | Vrtiska | Will |
| Hudkins | | | | |

Advanced to E & R for engrossment with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

## STANDING COMMITTEE REPORTS
### Transportation

**LEGISLATIVE BILL 947.** Placed on General File as amended.
Standing Committee amendment to LB 947:
AM3249

1. On page 2, line 27, strike "nine" and insert "twelve".
2. On page 3, line 8, after "(f)" insert "A representative of the Department of Correctional Services;
(g) A representative of the Nebraska Emergency Medical Services Association;
(h) A representative of the Nebraska Professional Firefighters Association;
(i)"; in line 10 strike "(g)" and insert "(j)"; in line 12 strike "(h)" and insert "(k)"; and in line 14 strike "(i)" and insert "(l)".

**LEGISLATIVE BILL 1147.** Placed on General File as amended.
Standing Committee amendment to LB 1147:
AM3275

1. Insert the following new sections:
"Section 1. Section 86-1302, Revised Statutes Supplement, 1997, is amended to read:

86-1302. The purpose of the Telecommunications Relay System Act is to provide a statewide telecommunications relay system and a statewide voucher program for the provision of specialized telecommunications equipment for qualified ~~low-income~~ hearing-impaired or speech-impaired persons in Nebraska which enables them to communicate twenty-four hours per day, seven days per week, with other persons who use conventional telephone systems.

Sec. 2. Section 86-1304, Revised Statutes Supplement, 1997, is amended to read:

86-1304. There is hereby created the Nebraska Telecommunications Relay System Fund. The fund shall be used to provide a statewide telecommunications relay system and to administer a statewide voucher program to provide specialized telecommunications equipment to qualified ~~low-income~~ hearing-impaired and speech-impaired persons in Nebraska.

Based upon ~~the income levels of the eligible recipients and~~ the price of the equipment, vouchers shall be issued by the program administrator to pay private vendors for all or part of the cost of the equipment. After purchase, the recipient is the owner of the equipment and responsible for enforcement of any warranties and repairs.

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. On page 2, line 19, strike "low-income" and show as stricken; in line 26 after the semicolon insert "and"; and in line 28 after "service" insert an underscored period and strike beginning with the semicolon through "applicants" and show as stricken.

3. On page 3, strike beginning with line 1 through the period in line 3 and show the old matter as stricken; in line 13 strike "section" and insert "sections 86-1302, 86-1304, and"; and in line 14 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

(Signed) Curt Bromm, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 985.** Placed on General File as amended.
Standing Committee amendment to LB 985:
AM3316

1. On page 2, lines 9 and 14, strike "education" and insert "patient management"; and in line 23 strike "educational" and insert "patient-management".

2. On page 3, lines 3, 8, 13, and 16, strike "education" and insert "patient management"; in line 3 strike "reeducation or";

in line 6 strike "Education" and insert "Patient management"; and in line 12 strike "education" and insert "patient-management".

(Signed) David M. Landis, Chairperson

**AMENDMENT - Print in Journal**

Mrs. Crosby filed the following amendment to LB 1056:
AM3345

1. Insert the following new section:

"Sec. 7. Section 75-126, Reissue Revised Statutes of Nebraska, is amended to read:

75-126. (1) Except as otherwise provided in this section, no common carrier shall:

(a) Charge, demand, collect, or receive from any person a greater or lesser compensation for any services rendered than it charges, demands, collects, or receives from any other person for doing a like or contemporaneous service;

(b) Make or give any undue or unreasonable preference or advantage to any particular person;

(c) Subject any type of traffic to any undue or unreasonable prejudice, delay, or disadvantage in any respect whatsoever;

(d) Charge or receive any greater compensation in the aggregate for the transportation of a like kind of property or passengers for a shorter than for a longer distance over the same line or route, except as the commission may prescribe in special cases to prevent manifest injuries, except that no manifest injustice shall be imposed upon any person at intermediate points. This section shall not prevent the commission from making group or emergency rates;

(e) Demand, charge, or collect, by any device whatsoever, a lesser or greater compensation for any service rendered than that filed with or prescribed by the commission; or

(f) Change any rate, schedule, or classification in any manner whatsoever before application has been made to the commission and permission granted for that purpose, except as otherwise provided in section 75-128.

(2) This section shall not prohibit any common carrier from, and a common carrier shall not be subject to any fine, penalty, or forfeiture for, performing services free or at reduced rates to:

(a) The United States, the State of Nebraska, or any governmental subdivision thereof;

(b) The employees, both present and retired, of such common carrier;

(c) Any person when the object is to provide relief in case of any disaster;

(d) Any person who transports property for charitable

purposes; ~~or~~

(e) Ministers and others giving their entire time to religious or charitable work; or

(f) Any person who is legally blind or visually handicapped.".

2. On page 16, line 13, strike "and 66-1401" and insert ", 66-1401, and 75-126".

3. Renumber the remaining sections accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 326.** Introduced by Maurstad, 30; Schrock, 38; Elmer, 44; Coordsen, 32; Brashear, 4; Wehrbein, 2.

WHEREAS, the States of Nebraska, Kansas, and Colorado entered into an interstate compact in 1943 to provide for the most efficient use of the waters of the Republican River basin and to equitably divide such waters; and

WHEREAS, the State of Kansas has publicly alleged that the State of Nebraska has allowed excessive use of Republican River water in violation of the compact; and

WHEREAS, the State of Kansas is preparing to sue the State of Nebraska before the United States Supreme Court on the basis of alleged violations of the Republican River Compact.

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

1. That the State of Nebraska has been and remains willing to negotiate in good faith with the State of Kansas concerning this issue so as to address the concerns of our respective states without the unnecessary expenditure of both states' resources on protracted litigation.

2. That the State of Nebraska supports the Attorney General and Department of Water Resources in defending the state in any lawsuit filed by the State of Kansas concerning the Republican River Compact.

3. That the Legislature will support all reasonable requests for funding necessary to defend the state in such litigation.

Laid over.

## UNANIMOUS CONSENT - Member Excused

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

## SELECT FILE

**LEGISLATIVE BILL 204.** E & R amendment, AM7205, found on page 663, was adopted.

Mr. Wesely withdrew his amendment, AM3194, printed separately and referred to on page 748.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 1053.** E & R amendment, AM7207, found on page 741, was adopted.

Mr. Maurstad withdrew the Maurstad-Vrtiska-Schrock amendment, AM3258, found on page 751.

Messrs. Maurstad and Vrtiska offered the following amendment:
AM3357

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature finds and declares:

(1) That it is a benefit to the state and in the best interest of the citizens of Nebraska to deliver economic and community development services in an integrated and coordinated system through increased community, state, and federal cooperation and collaboration;

(2) That the Partnership for Rural Nebraska is recognized as a strategic partnership between the State of Nebraska, the University of Nebraska, and the United States Department of Agriculture, the purpose of which is to provide a formal structure of organizational collaboration and delivery of rural economic and community development resources and programs to Nebraska's rural communities;

(3) That the Partnership for Rural Nebraska has earned national recognition as a model for cooperative and collaborative delivery of services; and

(4) That it encourages the continued participation of the State of Nebraska, through the Department of Economic Development, the Rural Development Commission, and the University of Nebraska, in the Partnership for Rural Nebraska.

Sec. 2. Section 81-1282, Reissue Revised Statutes of Nebraska, is amended to read:

81-1282. There is hereby created the Rural Development Commission. The commission shall advocate and recommend programs that encourage regional cooperation and foster community sustainability and economic development initiatives in rural areas of Nebraska. For administrative purposes, the commission and its executive director and staff shall be within the Department of Economic Development. The Director of Economic Development, in consultation with the chairperson and vice-chairperson of the commission, shall supervise the hiring of the executive director using the state personnel hiring process. The Director of Economic Development, in consultation with the chairperson and vice-chairperson and the executive director, may employ personnel

necessary to carry out the powers and duties of the commission. The Lieutenant Governor, the Governor's Policy Research Office, the Department of Economic Development, the Department of Agriculture, and other state agencies may provide administrative and technical support under the direct supervision of the Governor. The commission may secure cooperation and assistance of other appropriate government and private-sector entities specifically for rural programs.

Sec. 3. Section 81-1283, Reissue Revised Statutes of Nebraska, is amended to read:

81-1283. (1) The Rural Development Commission shall consist of nineteen members who represent a wide range of rural Nebraska interests. The Governor with the advice of the commission shall appoint the members of the commission. The chairperson and vice-chairperson of the commission shall be elected by a majority of the voting members of the commission at the first commission meeting in odd-numbered years and shall each serve a two-year term as chairperson and vice-chairperson, respectively. ~~and the chairperson and vice-chairperson of the commission.~~ The appointments may include representation from nonmetropolitan Nebraska residents, business, agriculture, nonprofit organizations, federal, state, and local government, Nebraska's Indian tribes, and other groups as necessary to conduct the business of the commission. The Governor and commission shall consider and attempt to balance representation based on political party affiliation, gender, race, age, community size, and the different geographical areas of Nebraska when making appointments.

(2) The terms of the initial members shall be as follows: Six members shall serve for one-year terms; seven members shall serve for two-year terms, including the members designated as chairperson and vice-chairperson; and four members shall serve for three-year terms. Thereafter members shall serve for terms of two years. The Governor shall appoint two ex officio, nonvoting members from the Legislature for two-year terms. Members ~~other than the chairperson and vice-chairperson~~ may not serve more than three consecutive two-year terms, except that a member who serves a term as chairperson or vice-chairperson may serve a total of four consecutive two-year terms.

(3) The commission shall meet at the call of the chairperson or a majority of the voting members. The chairperson shall call such meetings as he or she determines necessary to fulfill the duties of the commission. A quorum shall be one-half of the voting members.

(4) The members of the commission shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177 and pursuant to policies of the commission.

Sec. 4. Section 81-1284, Reissue Revised Statutes of Nebraska, is amended to read:

81-1284. The Rural Development Commission shall create

and support community and regional development capacity enhancement programs and strategies throughout Nebraska that:

(1) Recognize shared local, regional, and state responsibility for shaping the community's and the region's economic future and generate and focus public and private resources on effective actions that help communities and businesses to grow and prosper;

(2) Encourage public-private partnerships in order to leverage and enhance public resources through private investment;

(3) Increase the resources directed toward economic development by building support within communities and assisting communities in planning their own economic futures by providing them with comprehensive information about the principles of community and economic development, including the concepts of entrepreneurial communities, strategic planning, leadership training, community development, and effective sustainable economic development;

~~(1)~~ (4) Focus attention on and increase awareness of the opportunities and needs of rural Nebraskans;

~~(2)~~ (5) Advocate for rural Nebraska by proposing solutions to rural challenges;

~~(3)~~ (6) Strengthen community sustainability and growth in rural Nebraska through increased community-based wealth creation, expanded economic opportunity, and improved quality of life;

~~(4)~~ (7) Stimulate rural development innovation and foster information transfer to, from, and within rural Nebraska;

~~(5)~~ (8) Encourage and support continuity, coordination, and cooperation among national, state, multicommunity, and local rural development initiatives and service providers;

~~(6)~~ (9) Ensure that rural Nebraskans are afforded the opportunity to determine rural Nebraska's development agenda;

~~(7)~~ (10) Serve as an advisory body to the Governor, state agencies, and the Legislature on rural development issues;

~~(8)~~ (11) Establish an information clearinghouse on rural challenges and needs, development services, model initiatives, available resources, and service providers;

~~(9)~~ (12) Foster community-based development initiatives through multicommunity partnerships;

~~(10)~~ (13) Support strategic planning and research for and evaluation of rural development initiatives and service providers by administering the Nebraska Development Network Program; ~~and~~

~~(11)~~ (14) Serve as Nebraska's rural development council within the meaning of the ~~Presidential Initiative on Rural America~~ National Rural Development Partnership by providing inventories, reports, assessments, and implementation plans as appropriate; and

(15) Participate in the Partnership for Rural Nebraska.

Sec. 5. This act becomes operative July 1, 1998.

Sec. 6. Original sections 81-1282 to 81-1284, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

Messrs. Wehrbein and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Maurstad requested a roll call vote on the Maurstad-Vrtiska amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Kristensen | Peterson, C. | Stuhr |
| Bromm | Hudkins | Matzke | Robinson | Tyson |
| Brown | Jensen | Maurstad | Schellpeper | Wehrbein |
| Coordsen | Jones | Pederson, D. | Schmitt | Witek |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hilgert | Pedersen, Dw. | Schimek | Wesely |
| Bruning | Hillman | Preister | Suttle | Wickersham |
| Elmer | Janssen | Raikes | Thompson | Willhoft |
| Hartnett | Landis | Robak | | |

Present and not voting, 6:

| | | | |
|---|---|---|---|
| Beutler | Chambers | Engel | Schrock |
| Brashear | Dierks | | |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Cudaback | Kiel | Lynch | Vrtiska | Will |

The Maurstad-Vrtiska amendment lost with 20 ayes, 18 nays, 6 present and not voting, and 5 excused and not voting.

Pending.

**LEGISLATIVE BILL 1180.** Advanced to E & R for engrossment.
**LEGISLATIVE BILL 1015.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1056.** E & R amendment, AM7209, found on page 772, was adopted.

Mrs. Crosby withdrew her amendment, AM3345, found in this day's Journal.

Advanced to E & R for engrossment.

## MOTION - Suspend Rules

Mr. Abboud renewed his pending motion, found on page 778, to suspend the rules, specifically Rule 3, Section 13, requiring the giving of seven days notice of a public hearing, so as to hold a hearing on LB 1362 and LB 1363 on March 2, 1998.

The Abboud motion to suspend the rules prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

## AMENDMENTS - Print in Journal

Mr. Hartnett filed the following amendment to LB 611:
AM3361

1. Insert the following new section:

"Sec. 2. Section 18-1716, Reissue Revised Statutes of Nebraska, is amended to read:

18-1716. Any regulation of any municipality pertaining to any area outside of its corporate limits shall be subject to any lawful and existing regulation of another municipality pertaining to that same area~~; PROVIDED, that~~ except as otherwise provided by an agreement entered into pursuant to the Interlocal Cooperation Act. However, any area annexed by any municipality shall be subject to the ordinances of such municipality after such annexation.".

2. On page 2, line 21, strike "section 14-117" and insert "sections 14-117 and 18-1716"; and in line 22 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Bromm and Mrs. Bohlke filed the following amendment to LB 320:
AM3368

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 5. Section 60-4,115, Revised Statutes Supplement, 1996, is amended to read:

60-4,115. ~~The~~ (1) Except as provided in subsection (2) of this section, the applications for operators' licenses, school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be filed with the county treasurer who is required to transmit them weekly to the director. The application shall be accompanied by a fee of fifteen dollars from each successful applicant for an original or renewal Class O or M operator's license issued under the Motor Vehicle Operator's License Act, except that the fee for licenses which will be valid for one year or less shall be three dollars and seventy-five cents, the fee for licenses which will be valid for more than one year but less than two years shall be seven dollars and fifty cents, and the fee for licenses which will be valid for two years or more but less than

three years shall be eleven dollars and twenty-five cents. Two dollars and seventy-five cents of each of the original and renewal fees for operators' licenses and twenty-five cents of each of the fees for school permits, farm permits, LPD-learners' permits, or LPE-learners' permits shall be credited immediately to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The county treasurer shall remit four dollars of each of the original and renewal fees for Class O or M operator's licenses to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund, except that for licenses which will be valid for more than one year but less than two years, one dollar and fifty cents of each fee shall be credited to the fund, and for licenses which will be valid for two years or more but less than three years, two dollars and fifty cents of each fee shall be credited to the fund. An amount equal to two dollars and fifty cents times the number of original or renewal Class M licenses issued pursuant to section 60-4,127 during the previous year shall be transferred to the Motorcycle Safety Education Fund. The balance of the original and renewal operator's license, school permit, farm permit, LPD-learner's permit, or LPE-learner's permit fees shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

(2) An application for an operator's license for a person under twenty-one years of age shall be filed with the county treasurer who is required to transmit it weekly to the director. The application shall be accompanied by a fee of fifteen dollars from a successful applicant for an original or renewal Class O or M operator's license issued under the act, except that the fee for a license which will be valid for one year or less shall be three dollars and seventy-five cents, the fee for a license which will be valid for more than one year but less than two years and one day shall be seven dollars and fifty cents, and the fee for a license which will be valid for three years or less but more than two years shall be eleven dollars and twenty-five cents. Two dollars and seventy-five cents of the original and renewal fee for such operator's license shall be credited immediately to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The county treasurer shall remit four dollars of the original and renewal fee for such operator's license to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund, except that for a license which is valid for more than one year but less than two years, one dollar and fifty cents of the fee shall be credited to the fund, and for a license which is valid for two years or more but less than three years, two dollars and fifty cents of the fee shall be credited to the fund. An amount equal to two dollars and fifty cents times the number of such original or renewal Class M licenses issued pursuant to section 60-4,127 during the previous year shall be transferred to the Motorcycle Safety Education Fund. The

balance of the original and renewal operator's license fee shall be remitted by the county treasurer to the State Treasurer and shall be credited to the General Fund.

Sec. 9. Section 60-4,122, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,122. (1) Except as provided in subsections (2) and (3) of this section, no original or renewal operator's license shall be issued to any person until such person has appeared before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-4,114.

(2) Except as provided in section 60-4,127, any person who renews his or her Class O or Class M license shall appear before an examiner to demonstrate his or her ability to drive and maneuver a motor vehicle safely as provided in subdivision (2) of section 60-4,114 only at the discretion of the examiner, except that a person required to use bioptic or telescopic lenses shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle safely each time he or she renews his or her license.

(3) Any person who renews his or her Class O or Class M license prior to its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-4,114 if his or her driving record abstract maintained in the department's computerized records shows that such person has had no traffic violations as described in section 60-4,182 from the date the operator's license was last issued to the date the application for renewal is made.

(4) Except for operator's licenses issued to persons required to use bioptic or telescopic lenses, any person who renews his or her operator's license which has been valid for only one year or less shall not be required to take any examination required under section 60-4,114 unless required in the discretion of the examiner.

(5) Any person who renews a state identification card shall appear before an examiner and present his or her current state identification card. The examining officer, upon examination of the card, may require one additional form of proof of identification described in section 60-484.".

2. On page 1, line 2, after "60-490," insert "60-4,122,"; in line 4 after the last comma insert "60-4,115,"; and in line 9 after the semicolon insert "to change provisions relating to application fees; to change provisions relating to renewal procedures;".

3. On page 3, lines 3 and 4; and page 6, line 26, strike "6, 7, 12, 13, and 14" and insert "7, 8, 14, 15, and 16".

4. On page 4, line 5; and page 12, line 24, strike "6" and insert "7".

5. On page 19, line 10, strike "14" and insert "16".

6. On page 22, line 23, strike "12" and insert "14".

7. On page 23, line 13, after "60-490," insert "60-4,122,"; and in line 15 after "60-4,112," insert "60-4,115,".

8. Renumber the remaining sections accordingly.

## STANDING COMMITTEE REPORT
### Revenue

The Committee on Revenue desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Robert L. Hans - Tax Equalization and Review Commission

VOTE: Aye: Senators Coordsen, Hartnett, Landis, C. Peterson, Raikes, Schellpeper, and Wickersham. Nay: None. Absent: Senator Will.

(Signed) William R. Wickersham, Chairperson

## SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 326 was referred to the Reference Committee.

## WITHDRAW - Cointroducer

Mrs. Witek withdrew her name as cointroducer to LB 404.

## AMENDMENT - Print in Journal

The Revenue Committee filed the following amendment to LR 45CA:
AM3358

1. On page 4, lines 25 through 28, and page 5, lines 1 through 4, strike the new matter and all amendments thereto and insert "the Legislature may provide for the levy of taxes at different rates within and outside municipalities or urbanized areas and on different classes of property within or outside such municipalities or urbanized areas so long as any such differences and classifications (a) are reasonable, (b) are such that there is a direct and substantial relationship between the classifications and the levies, resulting in an equitable allocation of the costs funded by the levies, and (c) are required by either or both (i) an agreement between local governments for the support of a joint exercise of powers, duties, or conduct of an office or offices or (ii) an agreement governing a merger or consolidation of local governments; (4)".

## VISITORS

Visitors to the Chamber were Sue, D. R., and Philip Hamilton from Palmyra; 8 students and teachers from Sidney Middle School; 6 Cub Scouts from Pack

28, Den Leader, and sponsor from Kearney; Senator Matzke's daughter, Jane Christofferson, and grandchildren, Jack and Lee, and Julie and Sky Christofferson from Milford; and 9 eighth and ninth grade students, teacher, and sponsor from Faith Christian Schools of Kearney.

## ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Bruning, the Legislature adjourned until 9:00 a.m., Friday, February 27, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# THIRTY-FOURTH DAY - FEBRUARY 27, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 27, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Pastor Jim Voss, Rosemont Alliance Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Crosby who was excused; and Messrs. Abboud, Beutler, Brashear, Bromm, Bruning, Hartnett, Hilgert, Landis, Matzke, Schmitt, Will, Mmes. Kiel, Suttle, and Witek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

## STANDING COMMITTEE REPORT
## Government, Military and Veterans Affairs

**LEGISLATIVE RESOLUTION 306CA.** Placed on General File as amended.
Standing Committee amendment to LR 306CA:
AM3302

1. On page 2, line 4, strike "fifteen freeholders" and insert "four persons from each commissioner or supervisor district within the county"; in line 5 after the period insert "The meetings of the charter convention shall be subject to open meetings laws enacted by the Legislature."; and in line 7 after the period insert "The charter convention shall hold at least one meeting at which the public may comment on the proposed charter." and strike "four" and insert "twelve".

(Signed) C. N. "Bud" Robinson, Chairperson

## NOTICE OF COMMITTEE HEARING
**Business and Labor**

| | | |
|---|---|---|
| LB 1362 | Monday, March 2, 1998 | 1:30 p.m. |
| LB 1363 | Monday, March 2, 1998 | 1:30 p.m. |

(Signed) Chris Abboud, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 327.** Introduced by Robinson, 16.

WHEREAS, Tekamah-Herman High School placed first in the small school category at the Nebraska Academic Decathlon competition at the University of Nebraska at Omaha on February 21, 1998; and

WHEREAS, in addition to placing first overall in the small school category, Tekamah-Herman High School tied for second in the Super Quiz and individual team members won gold medals in Language and Literature, Art, Science, Social Science, Fine Arts, Speech, and Essay; and

WHEREAS, the Tekamah-Herman team members are Niles Bliss, Hayley Bowland, Jarrod Dorathy, Gennette Gill, Michael Johnson, Kelly Lydick, Andy Petersen, Chad Shafer, Sara Shamburg, and David Shaw, and coaches are Peggy Knights, Kirby Hunt, and Melinda Campbell.

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

1. That the Legislature congratulates the Tekamah-Herman Academic Decathlon Team on winning the small school category of the Nebraska Academic Decathlon.

2. That copies of this resolution be presented to Niles Bliss, Hayley Bowland, Jarrod Dorathy, Gennette Gill, Michael Johnson, Kelly Lydick, Andy Petersen, Chad Shafer, Sara Shamburg, David Shaw, Peggy Knights, Kirby Hunt, Melinda Campbell, and Dean Chase, Superintendent of Tekamah-Herman High School.

Laid over.

## REPORTS

The following reports were received by the Legislature:

**Investment Finance Authority, Nebraska (NIFA)**
State Revolving Fund Revenue Bonds Notice

**Roads, Department of**
Board of Public Roads Classifications and Standards Minutes for December, 1997

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 26, 1998, 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

Adams Jr., Donald D. - Lincoln; E'OLA International
Kelley, Lehan & Hall, P.C.
  Kelley, Michael - Omaha; Omaha Exposition and Racing, Inc.
Mueller, William J. - Lincoln; Harvey's Iowa Management Company, d/b/a Harvey's Casino and Hotel
Mueller, William J./Ruth & Mueller Law Firm
  Mueller, William J. - Lincoln; Transystems, Inc.
O'Hara & Associates, Inc.
  O'Hara, Paul V. - Lincoln; American Automobile Manufacturers Association
Ruth, Larry L./Ruth & Mueller Law Firm
  Ruth, Larry L. - Lincoln; Transystems, Inc.

## MOTIONS - Approve Appointments

Mr. Robinson moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 708: Neil B. Danberg Jr. - Accountability and Disclosure Commission.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Brown | Hillman | Kristensen | Schellpeper | Vrtiska |
| Chambers | Hudkins | Lynch | Schimek | Wehrbein |
| Coordsen | Janssen | Maurstad | Schrock | Wesely |
| Cudaback | Jensen | Pedersen, Dw. | Stuhr | Wickersham |
| Dierks | Jones | Pederson, D. | Tyson | Willhoft |
| Elmer | | | | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Bohlke | Peterson, C. | Raikes | Robinson | Thompson |
| Engel | Preister | Robak | | |

Excused and not voting, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Bromm | Hartnett | Landis | Suttle |
| Beutler | Bruning | Hilgert | Matzke | Will |
| Brashear | Crosby | Kiel | Schmitt | Witek |

The appointment was confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 777: Pam Bataillon, Elnora Carr, Connie Day, Charles Evans, and Bradley Sher - NHHS Partnership Council; and Deb Thomas - Health and Human Services, Policy Secretary.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Jones | Preister | Vrtiska |
| Brown | Hillman | Lynch | Robinson | Wehrbein |
| Chambers | Hudkins | Pedersen, Dw. | Schellpeper | Wesely |
| Coordsen | Janssen | Pederson, D. | Schimek | Wickersham |
| Cudaback | Jensen | Peterson, C. | Schrock | Willhoft |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Maurstad | Robak | Thompson |
| Dierks | Kristensen | Raikes | Stuhr | Tyson |

Excused and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Hilgert | Matzke | Will |
| Brashear | Crosby | Kiel | Schmitt | Witek |
| Bromm | Hartnett | Landis | Suttle | |

The appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 777.**

A BILL FOR AN ACT relating to parenting; to amend section 43-2901, Reissue Revised Statutes of Nebraska; to provide for parenting education courses; to harmonize provisions; 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, 33:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Lynch | Robak | Thompson |
| Brashear | Hillman | Maurstad | Robinson | Vrtiska |
| Brown | Hudkins | Pedersen, Dw. | Schellpeper | Wehrbein |
| Coordsen | Janssen | Pederson, D. | Schimek | Wesely |
| Cudaback | Jensen | Peterson, C. | Schrock | Willhoft |
| Dierks | Jones | Preister | Stuhr | Witek |
| Elmer | Kristensen | Raikes | | |

Voting in the negative, 1:

Chambers

Present and not voting, 3:

| | | |
|---|---|---|
| Bohlke | Tyson | Wickersham |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Kiel | Matzke | Suttle |
| Bromm | Hartnett | Landis | Schmitt | Will |
| Bruning | Hilgert | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 822.** With Emergency.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-931 and 79-934, Reissue Revised Statutes of Nebraska; to change retirement annuity and retirement age 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, 34:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Kristensen | Preister | Thompson |
| Brashear | Engel | Lynch | Raikes | Vrtiska |
| Brown | Hillman | Matzke | Robak | Wehrbein |
| Bruning | Hudkins | Maurstad | Robinson | Wickersham |
| Coordsen | Janssen | Pedersen, Dw. | Schellpeper | Willhoft |
| Cudaback | Jensen | Pederson, D. | Schrock | Witek |
| Dierks | Jones | Peterson, C. | Stuhr | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Beutler | Chambers | Wesely |

Present and not voting, 2:

Schimek Tyson

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Hilgert | Landis | Suttle |
| Bromm | Hartnett | Kiel | Schmitt | 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 822A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 822, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

| | | | | |
|---|---|---|---|---|
| Bohlke | Engel | Lynch | Robak | Tyson |
| Brashear | Hillman | Matzke | Robinson | Vrtiska |
| Brown | Hudkins | Maurstad | Schellpeper | Wehrbein |
| Bruning | Janssen | Pedersen, Dw. | Schimek | Wesely |
| Coordsen | Jensen | Pederson, D. | Schrock | Wickersham |
| Cudaback | Jones | Peterson, C. | Stuhr | Willhoft |
| Dierks | Kristensen | Preister | Thompson | Witek |
| Elmer | Landis | Raikes | | |

Voting in the negative, 2:

Beutler Chambers

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Hilgert | Schmitt | Will |
| Bromm | Hartnett | Kiel | Suttle | |

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 320 to Select File**

Mrs. Bohlke moved to return LB 320 to Select File for the Bromm-Bohlke specific amendment, AM3368, found on page 799.

The Bohlke motion to return prevailed with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 320.** The Bromm-Bohlke specific amendment, AM3368, found on page 799, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

## MOTION - Return LB 320 to Select File

Mr. Chambers moved to return LB 320 to Select File for the following specific amendment:
FA533
In AM3368, p. 4, line 20, put period after "section 60-4,114" and strike remaining language.

The Chambers motion to return prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 320.** The Chambers specific amendment, FA533, found in this day's Journal, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

## AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 404A:
AM3373

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $107,118 from the General Fund for FY1998-99 and (2) $212,735 from the General Fund for FY1999-00 to the Supreme Court, for Program 6, to aid in carrying out the provisions of Legislative Bill 404, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $94,026 for FY1998-99 or $188,052 for FY1999-00.

Sec. 2. There is hereby appropriated (1) $198,252 from the General Fund for FY1998-99 and (2) $195,255 from the General Fund for FY1999-00 to the Supreme Court, for Program 7, to aid in carrying out the provisions of Legislative Bill 404, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $172,804 for FY1998-99 or $172,804 for FY1999-00.

Sec. 3. There is hereby appropriated (1) $43,120 from the General Fund for FY1998-99 and (2) $85,240 from the General Fund for FY1999-00 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 404, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $31,948 for FY1998-99 or $63,896 for FY1999-00.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

## NOTICE OF COMMITTEE HEARING
### Transportation

Monday, March 9, 1998 1:15 p.m.
Motor Carrier Advisory Council
James A. Travilik

Nebraska Motor Vehicle Industry Licensing Board
Stephan Budke
R. James Campbell
Charles T. Grimsley
Mardy McCullough

(Signed) Curt Bromm, Chairperson

## EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on LB 777.

(Signed) Jon C. Bruning

Had I been present, I would have voted "aye" on LBs 777, 822e, and 822Ae.

(Signed) Deborah S. Suttle

## 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
Louise Bahr
Ann O'Hara

Gretchen Peters
Gail Yanney

Nebraska Advisory Commission on Compulsive Gambling
Deb Hammond
Mike Wellman
John Shybut

VOTE: Aye: Senators Cudaback, Hartnett, Hudkins, Janssen, Schellpeper, and Vrtiska. Nay: None. Absent: Senators Robak and Will.

(Signed) Stan Schellpeper, Chairperson

## GENERAL FILE

**LEGISLATIVE RESOLUTION 45CA.** Mr. Maurstad renewed his pending amendment, AM2958, found on page 557.

Messrs. Elmer and Schmitt asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Maurstad withdrew his amendment.

Mr. Maurstad renewed his pending amendment, AM2956, found on page 557.

**MR. COORDSEN PRESIDING**

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wickersham requested a division of the question on the Maurstad amendment.

The Chair sustained the division of the question.

The first Maurstad amendment is as follows:
FA527
2. On page 4, line 10, strike "Article VIII, section 1, and".
3. Strike the material beginning on page 4, line 12, through page 7, line 5 and all amendments thereto.
4. On page 7, strike beginning with "(3)" in line 19 through the underscored period in line 24.
5. On page 16, strike beginning with "the" in line 6 through "authorize" in line 8 and all amendments thereto

Messrs. Brashear, Robinson, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

**PRESIDENT ROBAK PRESIDING**

Pending.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 777, 822, and 822A.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 45CA.** The first Maurstad pending amendment, FA527, found in this day's Journal, was renewed.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Maurstad moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a record vote on the first Maurstad amendment.

Voting in the affirmative, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Jensen | Maurstad | Witek |
| Brown | | | | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Hartnett | Lynch | Raikes | Thompson |
| Bruning | Hilgert | Matzke | Robak | Wehrbein |
| Coordsen | Hillman | Pederson, D. | Schellpeper | Wickersham |
| Cudaback | Hudkins | Peterson, C. | Schimek | Will |
| Dierks | Janssen | Preister | Suttle | Willhoft |
| Engel | Landis | | | |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Brashear | Jones | Kristensen | Schrock | Vrtiska |
| Bromm | Kiel | Pedersen, Dw. | Stuhr | Wesely |

Excused and not voting, 6:

Bohlke Elmer Robinson Schmitt Tyson
Crosby

The first Maurstad amendment lost with 6 ayes, 27 nays, 10 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

**AMENDMENT - Print in Journal**

Mr. Chambers filed the following amendment to LB 395:
AM3280
(Amendments to Standing Committee amendments, AM1138)
1. On page 9, line 17, strike "2002" and insert "2001".

**STANDING COMMITTEE REPORTS**
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 1318.** Placed on General File as amended.
Standing Committee amendment to LB 1318:
AM3317
1. Strike original sections 3 to 7, 12, 13, and 15.
2. On page 2, line 1, strike "11" and insert "6"; and strike lines 24 through 28.
3. On page 3, strike line 1; in line 2 strike "(4)" and insert "(3)"; in line 13 strike "(5)" and insert "(4)"; in line 17 strike "(6)" and insert "(5)"; in line 21 strike "(7)" and insert "(6)"; and in line 24 strike "(8)" and insert "(7)".
4. On page 9, strike beginning with "under" in line 20 through the comma in line 23 and insert "in a cooperative investment, a political subdivision".
5. On page 10, line 3, strike "9" and insert "4".
6. On page 11, line 25, strike "10 and 11" and insert "5 and 6".
7. On page 18, line 6, strike "11" and insert "6".
8. Remove underscoring in the original sections.
9. Renumber the remaining sections accordingly.

(Signed) David M. Landis, Chairperson

**General Affairs**

**LEGISLATIVE BILL 1086.** Placed on General File as amended.
Standing Committee amendment to LB 1086:
AM3394
1. Strike the original sections and insert the following new sections:

"Section 1. Section 2-1203, Revised Statutes Supplement, 1996, is amended to read:

2-1203. The State Racing Commission shall have power to prescribe and enforce rules and regulations governing horseraces and race meetings licensed as provided in sections 2-1201 to 2-1242. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking track licenses and licenses for teleracing facilities and telephonic wagering and setting racing dates.

The commission may revoke or suspend licenses issued to racing industry participants and may, in lieu of or in addition to such suspension or revocation, impose a fine in an amount not to exceed one thousand dollars upon a finding that a rule or regulation has been violated by a licensed racing industry participant. The exact amount of the fine shall be proportional to the seriousness of the violation and the extent to which the licensee derived financial gain as a result of the violation. ~~All fines shall be paid into a fund for alcohol and drug rehabilitation services for horseracing industry participants, which fund is hereby created.~~

The commission may delegate to a board of stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of sections 2-1201 to 2-1242. Any decision or action of such board of stewards may be appealed to the commission or reviewed by the commission on its own initiative.

Sec. 2. Section 2-1203.02, Revised Statutes Supplement, 1996, is amended to read:

2-1203.02. Any person applying for or holding a license to participate in or be employed at a horserace meeting licensed by the State Racing Commission shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation for the purpose of determining whether the commission has a basis to deny the license application or to suspend, cancel, or revoke the person's license, except that the commission shall not require a person to be fingerprinted if such person has been previously fingerprinted in connection with a license application in this state or any other state within the last five years prior to the application for such license. The commission shall not require a person to be fingerprinted if such person has previously been fingerprinted by the commission, has been licensed by the commission at least three of the prior five years, has not been convicted of a felony, and has not been convicted of a misdemeanor within the last five years prior to the application for such license. Any person involved in the administration or management of a racetrack, including the governing body, shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation. The applicant, licensee, or

person involved in the administration or management of a racetrack shall pay the actual cost of any fingerprinting or check of his or her criminal history record information. The requirements of this section shall not apply to employees of concessions who do not work in restricted-access areas, admissions employees whose duties involve only admissions ticket sales and verification or parking receipts sales and verification, and medical or emergency services personnel authorized to provide such services at the racetrack.

Sec. 3. Section 2-1207.01, Reissue Revised Statutes of Nebraska, is amended to read:

2-1207.01. ~~The~~ (1) Except as provided in subsection (2) of this section, the amount deducted from wagers pursuant to subsection (2) of section 2-1207 may be used to administer and 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. If ~~; 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.

(2) The amount deducted from wagers on simulcast races pursuant to subsection (2) of section 2-1207 may be used to administer and promote agriculture and horsebreeding in Nebraska and shall be held for distribution at the live race meet of the racetrack where the funds were generated during any period in which no Nebraska racetrack is conducting a live race meet as purse supplements and breeder and stallion awards for Nebraska-bred horses, as defined and registered pursuant to section 2-1213, and during the period of the live race meet of any Nebraska racetrack all such amounts deducted from wagers on simulcast races from all Nebraska racetracks shall be distributed as such purse supplements and breeder and stallion awards at the racetrack which is conducting live racing. The period of the live race meet shall begin on the first day of live racing at the racetrack and end at the end of the last day of live racing at such racetrack and shall include the days between such dates when the site of the live race meet does not conduct live racing. In the event more than one racetrack is conducting live racing during the same time period, the amount distributed shall be equally divided among such racetracks during such time period on a weekly basis.

(3) 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. 4. Section 2-1208, Reissue Revised Statutes of Nebraska, is amended to read:

2-1208. For all race meetings, every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay the tax imposed by section 2-1208.01 and shall also pay to the State Racing Commission the sum of ~~two-tenths~~ six-tenths of one percent of the gross sum wagered by the parimutuel method at each licensed racetrack enclosure during the calendar year. ~~and thirty cents for each person entering the grounds or enclosure of the licensee upon a ticket of admission. If tickets are issued that are good for more than one day, then the sum of thirty cents shall be paid for each person using such ticket on each day that the same is used. If any free passes or complimentary admission tickets are issued, the licensee shall pay the same tax upon such passes or complimentary tickets as if the same were sold at the regular and usual admission rate, but nothing in this section shall be construed to prohibit the issuance of tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working at such racetrack. The issuance of all such tax-free passes shall be under the regulations or orders of the commission, and a list of all persons to whom such tax-free passes are issued shall be filed with the commission.~~ For race meetings devoted principally to running live races, the licensee shall pay to the commission the sum of fifty dollars for each live racing day that the licensee serves as the host track for intrastate simulcasting and twenty-five dollars for any other live racing day.

No other license tax, permit tax, occupation tax, or excise tax or racing fee, except as provided in this section and in sections 2-1203, 2-1208.01, and 2-1242, shall be levied, assessed, or collected from any such licensee by the state or by any county, township, district, city, village, or other governmental subdivision or body having power to levy, assess, or collect any such tax or fee.

Sec. 5. Section 2-1211, Reissue Revised Statutes of Nebraska, is amended to read:

2-1211. Every corporation or association licensed under sections 2-1201 to 2-1218 shall so keep its books and records as to clearly show ~~the total number of admissions to races conducted by it on each racing day, including the number of admissions upon free passes or complimentary tickets, and the amount received daily from admission fees and~~ the total amount of money wagered during the race meeting, including wagers at locations to which its races were simulcast and at races which it received via simulcast from other racetracks, and shall furnish to the State Racing Commission such reports and information as it may require with respect thereto. At the end of each race meeting, the licensee shall furnish to the commission and the Governor a complete audit by a certified public accountant detailing all expenses and disbursements. Such audit

shall be in the form specified by the commission and shall be filed on or before February 1 following such meet.

Sec. 6. Original sections 2-1207.01, 2-1208, and 2-1211, Reissue Revised Statutes of Nebraska, and sections 2-1203 and 2-1203.02, Revised Statutes Supplement, 1996, are repealed."

(Signed) Stan Schellpeper, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1134A.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1134, Ninety-fifth Legislature, Second Session, 1998.

## UNANIMOUS CONSENT - Member Excused

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

## MOTION - Place LB 1112 on General File

Mrs. Robak renewed her pending motion, found on page 705, to place LB 1112 on General File notwithstanding the action of the Banking, Commerce and Insurance Committee.

Messrs. Maurstad, Jones, Schellpeper, Janssen, Wesely, Brashear, Vrtiska, Engel, D. Pederson, Schrock, Mmes. C. Peterson, and Brown 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?"

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

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Pending.

## EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on LBs 777, 822e, and 822Ae.

(Signed) Curt Bromm

Had I been present, I would have voted "aye" on LBs 777, 822e, and 822Ae.

(Signed) Shelley Kiel

## STANDING COMMITTEE REPORTS
### Nebraska Retirement Systems

**LEGISLATIVE BILL 532.** Placed on General File as amended.
Standing Committee amendment to LB 532:
AM3338

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 24-701.01, Revised Statutes Supplement, 1997, is amended to read:

24-701.01. Sections 24-701 to 24-714 and sections 2 to 4 of this act shall be known and may be cited as the Judges Retirement Act.

Sec. 2. For purposes of this section and sections 3 and 4 of this act:

(1) Eligible retiree means (a) a member or beneficiary who has been receiving a retirement benefit for at least five years, which member had at least twenty-five years of creditable service; (b) a member who has been receiving a disability retirement benefit for at least five years pursuant to section 24-709; or (c) a beneficiary who has been receiving a death benefit pursuant to section 24-707 for at least five years, and which member's or beneficiary's monthly accrual rate is less than or equal to the minimum accrual rate as determined by section 3 of this act;

(2) Monthly accrual rate means the eligible retiree's total monthly benefit divided by the number of years of creditable service earned by the retiree or deceased member; and

(3) Total monthly benefit means the total benefit received by an eligible retiree pursuant to the Judges Retirement Act, previous adjustments made pursuant to section 4 of this act, or any other provision of Nebraska law which grants a benefit or cost-of-living increase within the act, but total monthly benefit does not include sums received by an eligible retiree from federal sources.

Sec. 3. The minimum accrual rate is thirty-five dollars until adjusted pursuant to this section. Commencing June 30, 1999, the retirement board shall annually adjust the minimum accrual rate to reflect the cumulative change in the Consumers Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor and Statistics of the United States Department of Labor from the last adjustment of the minimum accrual rate.

Sec. 4. (1) Beginning June 30, 1999, and each June 30 thereafter, the retirement board shall determine the number of eligible retirees in the retirement system and shall grant an

annual benefit adjustment to each eligible retiree. The annual benefit adjustment shall be calculated by multiplying the eligible retiree's total monthly benefit by the lesser of:

(a)(i) For calculations on June 30, 1999, the cumulative change in the Consumers Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor and Statistics from June 30, 1998, through June 30, 1999; or

(ii) For calculations on June 30, 2000, and each June 30 thereafter, the cumulative change in the Consumers Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor and Statistics of the United States Department of Labor from the last adjustment of the total monthly benefit of each eligible retiree pursuant to this section through June 30 of the year for which the annual benefit adjustment is being calculated; or

(b)(i) For calculations on June 30, 1999, an amount equal to three percent per annum compounded from June 30, 1998, through June 30, 1999; or

(ii) For calculations on June 30, 2000, and each June 30 thereafter, an amount equal to three percent per annum compounded for the period from the last adjustment of the total monthly benefit of each eligible retiree pursuant to this section through June 30 of the year for which the annual benefit adjustment is being calculated.

(2) Beginning July 1 each year, each eligible retiree shall receive the sum of the annual benefit adjustment and such retiree's total monthly benefit, which sum shall be the retiree's adjusted total monthly benefit. Each eligible retiree shall receive the adjusted total monthly benefit until the expiration of the annuity option selected by the member or until the eligible retiree again qualifies for the annual benefit adjustment, whichever occurs first. Subsequent to the date of the annual benefit adjustment, an eligible retiree shall never receive less than the adjusted total monthly benefit until the annuity option selected by the member expires.

Sec. 5. Section 79-901, Revised Statutes Supplement, 1997, is amended to read:

79-901. Sections 79-901 to 79-977.01 and sections 6 to 8 of this act shall be known and may be cited as the School Employees Retirement Act.

Sec. 6. For purposes of this section and sections 7 and 8 of this act:

(1) Eligible retiree means (a) a member or a beneficiary who has been receiving a retirement benefit for at least five years, which member had at least twenty-five years of creditable service; (b) a member who has been receiving a disability retirement allowance for at least five years pursuant to section 79-952; or (c) a beneficiary who has been receiving a death benefit pursuant to section 79-956 for at least five years, and which member's or beneficiary's monthly accrual rate is less than or

equal to the minimum accrual rate as determined by section 7 of this act;

(2) Monthly accrual rate means the eligible retiree's total monthly benefit divided by the number of years of creditable service earned by the retiree or deceased member; and

(3) Total monthly benefit means the total benefit received by an eligible retiree pursuant to the School Employees Retirement Act, previous adjustments made pursuant to section 8 of this act, or any other provision of Nebraska law which grants a benefit or cost-of-living increase within the act, but total monthly benefit does not include sums received by an eligible retiree from federal sources.

Sec. 7. The minimum accrual rate is eighteen dollars until adjusted pursuant to this section. Commencing June 30, 1999, the retirement board shall annually adjust the minimum accrual rate to reflect the cumulative change in the Consumers Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor and Statistics of the United States Department of Labor from the last adjustment of the minimum accrual rate.

Sec. 8. (1) Beginning June 30, 1999, and each June 30 thereafter, the retirement board shall determine the number of eligible retirees in the retirement system and shall grant an annual benefit adjustment to each eligible retiree. The annual benefit adjustment shall be calculated by multiplying the eligible retiree's total monthly benefit by the lesser of:

(a)(i) For calculations on June 30, 1999, the cumulative change in the Consumers Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor and Statistics from June 30, 1998, through June 30, 1999; or

(ii) For calculations on June 30, 2000, and each June 30 thereafter, the cumulative change in the Consumers Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor and Statistics of the United States Department of Labor from the last adjustment of the total monthly benefit of each eligible retiree pursuant to this section through June 30 of the year for which the annual benefit adjustment is being calculated; or

(b)(i) For calculations on June 30, 1999, an amount equal to three percent per annum compounded from June 30, 1998, through June 30, 1999; or

(ii) For calculations on June 30, 2000, and each June 30 thereafter, an amount equal to three percent per annum compounded for the period from the last adjustment of the total monthly benefit of each eligible retiree pursuant to this section through June 30 of the year for which the annual benefit adjustment is being calculated.

(2) Beginning July 1 each year, each eligible retiree shall receive the sum of the annual benefit adjustment and such retiree's total monthly benefit, which sum shall be the retiree's adjusted total monthly benefit. Each eligible retiree shall

receive the adjusted total monthly benefit until the expiration of the annuity option selected by the member or until the eligible retiree again qualifies for the annual benefit adjustment, whichever occurs first. Subsequent to the date of the annual benefit adjustment, an eligible retiree shall never receive less than the adjusted total monthly benefit until the annuity option selected by the member expires.

Sec. 9. Section 81-2014.01, Revised Statutes Supplement, 1997, is amended to read:

81-2014.01. Sections 81-2014 to 81-2036 and sections 10 to 12 of this act shall be known and may be cited as the Nebraska State Patrol Retirement Act.

Sec. 10. For purposes of this section and sections 11 and 12 of this act:

(1) Eligible retiree means (a) a member or beneficiary who has been receiving a retirement benefit for at least five years, which member had at least twenty-five years of creditable service; (b) a member who has been receiving a disability retirement benefit for at least five years pursuant to section 81-2025; or (c) a beneficiary who has been receiving a death benefit pursuant to section 81-2026 for at least five years, and which member's or beneficiary's monthly accrual rate is less than or equal to the minimum accrual rate as determined by section 11 of this act;

(2) Monthly accrual rate means the eligible retiree's total monthly benefit divided by the number of years of creditable service earned by the retiree or deceased member; and

(3) Total monthly benefit means the total benefit received by an eligible retiree pursuant to the Nebraska State Patrol Retirement Act, previous adjustments made pursuant to section 12 of this act, or any other provision of Nebraska law which grants a benefit or cost-of-living increase within the act, but total monthly benefit does not include sums received by an eligible retiree from federal sources.

Sec. 11. The minimum accrual rate is thirty dollars until adjusted pursuant to this section. Commencing June 30, 1999, the retirement board shall annually adjust the minimum accrual rate to reflect the cumulative change in the Consumers Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor and Statistics of the United States Department of Labor from the last adjustment of the minimum accrual rate.

Sec. 12. (1) Beginning June 30, 1999, and each June 30 thereafter, the retirement board shall determine the number of eligible retirees in the retirement system and shall grant an annual benefit adjustment to each eligible retiree. The annual benefit adjustment shall be calculated by multiplying the eligible retiree's total monthly benefit by the lesser of:

(a)(i) For calculations on June 30, 1999, the cumulative change in the Consumers Price Index for Urban Wage Earners and

Clerical Workers published by the Bureau of Labor and Statistics from June 30, 1998, through June 30, 1999; or

(ii) For calculations on June 30, 2000, and each June 30 thereafter, the cumulative change in the Consumers Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor and Statistics of the United States Department of Labor from the last adjustment of the total monthly benefit of each eligible retiree pursuant to this section through June 30 of the year for which the annual benefit adjustment is being calculated; or

(b)(i) For calculations on June 30, 1999, an amount equal to three percent per annum compounded from June 30, 1998, through June 30, 1999; or

(ii) For calculations on June 30, 2000, and each June 30 thereafter, an amount equal to three percent per annum compounded for the period from the last adjustment of the total monthly benefit of each eligible retiree pursuant to this section through June 30 of the year for which the annual benefit adjustment is being calculated.

(2) Beginning July 1 each year, each eligible retiree shall receive the sum of the annual benefit adjustment and such retiree's total monthly benefit, which sum shall be the retiree's adjusted total monthly benefit. Each eligible retiree shall receive the adjusted total monthly benefit until the expiration of the annuity option selected by the member or until the eligible retiree again qualifies for the annual benefit adjustment, whichever occurs first. Subsequent to the date of the annual benefit adjustment, an eligible retiree shall never receive less than the adjusted total monthly benefit until the annuity option selected by the member expires.

Sec. 13. Original sections 24-701.01, 79-901, and 81-2014.01, Revised Statutes Supplement, 1997, are repealed.".

(Signed) Ray Janssen, Chairperson

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 204, 404, 1015, 1056, and 1180.

### Enrollment and Review Change to LB 404

The following changes, required to be reported for publication in the Journal, have been made:
ER9123

1. In the Brashear amendment, FA510, "in" has been inserted after the first "2000,"; "and," has been struck and ", and" inserted; and "in the

fourth district" has been inserted after the second "2000,".

2. On page 1, line 2, ", and section 43-2,119, Revised Statutes Supplement, 1996" has been inserted after "Nebraska"; and in line 3 "and district" has been struck and ", district court, and separate juvenile" inserted.

(Signed) Jon C. Bruning, Chairperson

**AMENDMENT - Print in Journal**

Mr. Maurstad filed the following amendment to LR 45CA:
AM3314

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. At the general election in November 1998 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 XV, section 18:

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 shall provide for the merger or consolidation of 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.'.

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 provide for mergers and consolidations by local governments.

For

Against'.".

**MESSAGES FROM THE GOVERNOR**

February 26, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska State Personnel Board:

APPOINTEE: Rob Coupland, P.O. Box 150, Valentine, NE 69201

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

February 26, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals has been appointed to the Nebraska Educational Telecommunications Commission:

APPOINTEES:
Keith Blackledge, Box 370, North Platte, NE 69103
Frederick D. Brown, 535 Boswell, Crete, NE 68333

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

February 26, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Board of Public Roads Classifications and Standards:

APPOINTEE: Mark J. Dorcey, 2121 Maple Street, Box 521, Dakota City, NE 68731

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

February 26, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska State Board of Health:

APPOINTEE: Glenn P. York, DPM, 14020 N. 47th Street, Omaha, NE 68152

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 1998, at 11:20 a.m., were the following bills: LBs 777, 822, and 822A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## UNANIMOUS CONSENT - Add Cointroducer

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 695. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 5 members of Future Farmers of America and sponsor from Lewiston High School; 20 juniors, seniors, and teacher from

Morton School, Lincoln; 12 fourth grade students and teacher from Silver Creek; 53 fourth grade students and teachers from La Mai Elementary School, Bellevue; Traci and Leslie Schlichting from Lincoln and Mary and Alex Stewart from Lexington; 38 sixth grade students, teachers, and principal from Central Elementary, McCook; students and teacher from West Fairview School, Beaver Crossing; and Al, Renae, and Chet Henry from Daykin.

## ADJOURNMENT

At 12:13 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Monday, March 2, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

## THIRTY-FIFTH DAY – MARCH 2, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 2, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

### PRAYER

The prayer was offered by Pastor Ross Tyler, Vine Congregational Church, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Bromm, Cudaback, Engel, Landis, Schrock, Will, Mmes. Bohlke, and Kiel who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

### MESSAGE FROM THE GOVERNOR

February 26, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Advisory Commission on Compulsive Gambling:

APPOINTEES:
Frank McGill, 7305 Lake Street, Omaha, NE 68134
Jerry Bauerkemper, 17116 Karen Street, Omaha, NE 68135

Susan Parascand, Box 321, Alliance, NE 69301
Dianne Streeks, 2852 Jane Lane, Lincoln, NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

**MOTIONS - Approve Appointments**

Mr. Jensen moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following appointment found on page 785: Tim Hall - Director, Nebraska Department of Insurance.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kristensen | Raikes | Thompson |
| Brown | Hartnett | Matzke | Robak | Tyson |
| Bruning | Hilgert | Maurstad | Robinson | Wehrbein |
| Chambers | Janssen | Pedersen, Dw. | Schellpeper | Wesely |
| Coordsen | Jensen | Pederson, D. | Schimek | Wickersham |
| Crosby | Jones | Peterson, C. | Stuhr | Willhoft |

Voting in the negative, 1:

Witek

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Dierks | Hudkins | Preister | Suttle | Vrtiska |
| Hillman | Lynch | Schmitt | | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Cudaback | Kiel | Schrock |
| Bohlke | Bromm | Engel | Landis | Will |

The appointment was confirmed with 30 ayes, 1 nay, 8 present and not voting, and 10 excused and not voting.

Mr. Wickersham moved the adoption of the report of the Revenue Committee for the following appointment found on page 802: Robert L. Hans - Tax Equalization and Review Commission.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Brown | Bruning | Coordsen | Crosby | Elmer |

| | | | | |
|---|---|---|---|---|
| Hartnett | Kristensen | Pederson, D. | Stuhr | Wesely |
| Hillman | Lynch | Peterson, C. | Thompson | Wickersham |
| Janssen | Matzke | Preister | Vrtiska | Willhoft |
| Jensen | Maurstad | Raikes | Wehrbein | Witek |
| Jones | Pedersen, Dw. | Schimek | | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Hilgert | Robak | Schellpeper | Suttle |
| Chambers | Hudkins | Robinson | Schmitt | Tyson |
| Dierks | | | | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Cudaback | Kiel | Schrock |
| Bohlke | Bromm | Engel | Landis | Will |

The appointment was confirmed with 28 ayes, 0 nays, 11 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 appointments found on page 812: Louise Bahr, Ann O'Hara, Gretchen Peters, and Gail Yanney - Nebraska Arts Council; and Deb Hammond, Mike Wellman, and John Shybut - Nebraska Advisory Commission on Compulsive Gambling.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Brown | Hartnett | Kristensen | Peterson, C. | Vrtiska |
| Bruning | Hillman | Lynch | Preister | Wehrbein |
| Coordsen | Hudkins | Matzke | Schellpeper | Wesely |
| Crosby | Janssen | Maurstad | Schimek | Willhoft |
| Dierks | Jensen | Pedersen, Dw. | Suttle | Witek |
| Elmer | Jones | Pederson, D. | Thompson | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Hilgert | Robak | Schmitt | Tyson |
| Chambers | Raikes | Robinson | Stuhr | Wickersham |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Cudaback | Kiel | Schrock |
| Bohlke | Bromm | Engel | Landis | Will |

The appointments were confirmed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

## GENERAL FILE

**LEGISLATIVE RESOLUTION 45CA.** The second Maurstad amendment is as follows:

FA526

1. Strike original section 3 and all amendments thereto.
; and
strike lines 13 through 19.
6. Renumber the remaining sections accordingly.

Mr. Maurstad withdrew his amendment.

Mr. Beutler renewed his pending amendment, FA529, found on page 777.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mr. Wickersham renewed the Revenue Committee pending amendment, AM3358, found on page 802.

Pending.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments and legislative resolution:

Bauerkemper, Jerry - Nebraska Advisory Commission on Compulsive Gambling -- General Affairs

Blackledge, Keith - Nebraska Educational Telecommunications Commission -- Education

Brown, Frederick D. - Nebraska Educational Telecommunications Commission -- Education

Coupland, Rob - Nebraska State Personnel Board -- Government, Military and Veterans Affairs

Dorcey, Mark J. - Nebraska Board of Public Roads Classifications and Standards --Transportation

McGill, Frank - Nebraska Advisory Commission on Compulsive Gambling -- General Affairs

Parascand, Susan - Nebraska Advisory Commission on Compulsive Gambling -- General Affairs

Streeks, Dianne - Nebraska Advisory Commission on Compulsive Gambling -- General Affairs

York, Glenn P., DPM - Nebraska State Board of Health -- Health and Human Services

| LR | Committee |
|---|---|
| 326 | Natural Resources |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## BILL ON FIRST READING

The following bill was 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-fifth Legislature, Second Session, 1998; and to declare an emergency.

## AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 939:
FA535
Strike the enacting clause.

Mrs. C. Peterson and Mr. Wesely filed the following amendment to LB 1073:
(Amendment, AM3403, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

## MESSAGES FROM THE GOVERNOR

February 26, 1998

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

Dear Madam President, Speaker Kristensen, and Members of the Legislature:

This is to inform the honorable members of the Legislature that Carol Kontor has asked that her name be withdrawn for confirmation as a member of the Nebraska Public Employees Retirement Board.

Thank you for your assistance in this matter.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

March 2, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Railway Council:

APPOINTEES:
John Rebensdorf, 1416 Dodge Street, Omaha, NE 68102
Frank E. Landis, 3802 Sweetbriar Lane, Lincoln, NE 68516
Carl Larsen, 439 Beech Street, Chadron, NE 69337
Gary Rasmussen, 1809 -18th Avenue, Elba, NE 68835

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## STANDING COMMITTEE REPORT
### General Affairs

**LEGISLATIVE BILL 999.** Placed on General File as amended.
Standing Committee amendment to LB 999:
AM3395

1. Strike the original sections and insert the following new sections:

"Section 1. Section 53-180.04, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.04. Every licensee of a place where alcoholic liquor is sold at retail shall display at all times in a prominent place a printed card with a minimum height of twenty inches and a

width of fourteen inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows:

WARNING TO PERSONS UNDER 21
YOU ARE SUBJECT TO A PENALTY OF
$250 FINE
PERFORMANCE OF PUBLIC SERVICE
AND
OPERATOR'S LICENSE SUSPENSION
AND
NOTIFICATION OF PARENTS OR GUARDIAN
FOR A FIRST OFFENSE
AND
YOU ARE SUBJECT TO A PENALTY UP TO
~~$500 FINE~~
$750 FINE
~~3~~
6
MONTHS IN JAIL
OR BOTH
PERFORMANCE OF PUBLIC SERVICE
AND
OPERATOR'S LICENSE SUSPENSION
AND
NOTIFICATION OF PARENTS OR GUARDIAN
FOR SUBSEQUENT OFFENSES
IF YOU ARE UNDER 21 AND YOU PURCHASE
OR ATTEMPT TO PURCHASE
OR HAVE IN YOUR POSSESSION
ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT
AND
WARNING TO ADULTS
YOU ARE SUBJECT TO A PENALTY UP TO
$1000 FINE
1 YEAR IN JAIL
OR BOTH
IF YOU ARE 21 OR OVER AND YOU PURCHASE
ALCOHOLIC LIQUOR
FOR A PERSON UNDER 21
AND
WARNING TO PURCHASERS OF BEER KEGS
PROPER IDENTIFICATION AND PURCHASER'S SIGNATURE
ARE REQUIRED
LAWS OF THE STATE OF NEBRASKA

Sec. 2. Section 53-180.05, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.05. (1) Any person violating section 53-180 shall be guilty of a Class I misdemeanor. Any person violating ~~any of the provisions of sections~~ section 53-180.01 ~~to 53-180.03~~ or 53-180.02 shall be guilty of a Class III misdemeanor. ~~Any person~~

~~violating section 53-180.02, in lieu of the other penalties set out in this subsection, may be sentenced to work on public streets, in parks, or on other public property for a period not exceeding ten working days~~ and shall be fined two hundred fifty dollars and shall be sentenced to perform at least twenty-five hours of community service for the first such offense. For a second violation such person shall be fined five hundred dollars and shall be sentenced to perform at least fifty hours of community service. For a third and any subsequent violation such person shall be guilty of a Class II misdemeanor and shall be fined seven hundred fifty dollars and shall be sentenced to perform at least seventy-five hours of community service. Any sentence of community service shall comply with sections 29-2277 to 29-2279. If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle for any purpose for a period of (a) six months for a first violation of section 53-180.01 or 53-180.02 or (b) twelve months for a second violation of such sections, from the date of the order, and shall revoke the operator's license of such person for the same period of time. ~~Such work shall be under the supervision of the county sheriff. Upon the written certification by the county sheriff of the performance of such work, the sentence shall be satisfied.~~

(2) Any person violating section 53-180.03 shall be guilty of a Class III misdemeanor.

~~(2)~~ (3) Any person who knowingly manufactures, creates, or alters any form of identification for the purpose of sale or delivery of such form of identification to a person under the age of twenty-one years shall be guilty of a Class I misdemeanor. For purposes of this subsection, form of identification ~~shall mean~~ means any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing alcoholic liquor.

(4) Any person who violates section 53-180.01 or 53-180.02 shall be, in addition to the penalties described in subsection (1) of this section, subject to the suspension of his or her motor vehicle operator's license for the following time periods:

(a) For the first violation, suspension for a period of six months;

(b) For a second violation, suspension for a period of six months; and

(c) For a third and any subsequent violation, suspension for a period of two years. If the person does not have an operator's license when convicted or adjudicated as a juvenile, he or she shall be ineligible to apply for an operator's license for the time periods specified in this subsection. If the person is under sixteen years of age when convicted or adjudicated as a juvenile, the person shall have his or her operator's license

suspended on the first day of issuance for the time periods specified in this subsection. An abstract of the court record of every person convicted of violating section 53-180.02 and whose license has been suspended pursuant to this subsection shall be transmitted to the Department of Motor Vehicles. The violation shall become part of the person's permanent record maintained by the department. The violation shall not be expunged from the person's record.

(5) Any minor arrested for a violation of sections 53-180 to 53-180.02 or subsection (3) of this section shall have his or her parents or guardian notified of the arrest by the law enforcement agency of the arresting peace officer.

Sec. 3. Section 53-1,104, Reissue Revised Statutes of Nebraska, is amended to read:

53-1,104. (1) Any licensee which sells or permits the sale of any alcoholic liquor not authorized under the terms of such license on the licensed premises or in connection with such licensee's business or otherwise shall be subject to suspension, cancellation, or revocation of such license by the commission.

(2) When ~~any~~ an order suspending a retail license to sell alcoholic liquor becomes final, the licensee may elect to pay a cash penalty to the commission in lieu of suspending sales of alcoholic liquor for the designated period if such election is not prohibited by order of the commission. For the first such suspension for any licensee, the penalty shall be fifty dollars per day. For a second or any subsequent suspension, the penalty shall be one hundred dollars per day, except that for a second or subsequent suspension for the same type of violation occurring within four years after the date of the first suspension, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for the designated period of time and that the licensee may not elect to pay a cash penalty. For ~~, except that for~~ any licensee which has no violation for a period of four years consecutively, the second or subsequent suspension shall be treated as a first suspension.

~~Such election~~ The election provided for in this subsection shall be filed with the commission in writing one week before ~~such~~ the suspension is ordered to commence and shall be accompanied by payment in full of the sum required by this section. If such election has not been received by the commission by the close of business one week before the day such suspension is ordered to commence, it shall be conclusively presumed that the licensee has elected to close for the period of the suspension and any election received later shall be absolutely void and the payment made shall be returned to the licensee. The election shall be made on a form prescribed by the commission. All funds received under this section shall be remitted to the State Treasurer for credit to the temporary school fund.

Sec. 4. Original sections 53-180.04, 53-180.05, and

53-1,104, Reissue Revised Statutes of Nebraska, are repealed.".

(Signed) Stan Schellpeper, Chairperson

## GENERAL FILE

**LEGISLATIVE RESOLUTION 45CA.** Messrs. Chambers and Wickersham offered the following amendment to the Revenue Committee pending amendment:
FA536
Amend AM3358
on line 6, after "differences" insert "in rates"
and in line 7, after "classifications" insert "of property"

Messrs. Dierks, Landis, Janssen, Mmes. Crosby, and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## STANDING COMMITTEE REPORTS
### Transportation

**LEGISLATIVE BILL 1256.** Placed on General File.

**LEGISLATIVE BILL 1132.** Placed on General File as amended.
Standing Committee amendment to LB 1132:
AM3326

1. Strike the original sections and insert the following new sections:

"Section 1. Section 60-104, Reissue Revised Statutes of Nebraska, is amended to read:

60-104. No person, except as provided in section 60-103 or 76-14,109, shall sell or otherwise dispose of a motor vehicle, commercial trailer, semitrailer, or cabin trailer without (1) delivering to the purchaser or transferee of such vehicle or trailer a certificate of title with such assignment thereon as may be necessary to show title in the purchaser and (2) having affixed to the vehicle, pursuant to section 60-105, its vehicle identification number if it is not already affixed, nor purchase or otherwise acquire or bring into this state a motor vehicle, commercial trailer, semitrailer, or cabin trailer except for temporary use.

No purchaser or transferee shall receive a certificate of title which does not contain such assignment as may be necessary to show title in the purchaser or transferee. Possession of a title which does not meet this requirement shall be prima facie evidence of a violation of this provision, and such purchaser or transferee, upon conviction, shall be subject to the penalties provided by

section 60-117.

No motor vehicle, commercial trailer, semitrailer, or cabin trailer shall be eligible for initial registration in this state, except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section 60-305.09, unless the provisions of sections 60-102 to 60-117 have been complied with insofar as the motor vehicle, commercial trailer, semitrailer, or cabin trailer is concerned.

Sec. 2. Section 60-111.01, Revised Statutes Supplement, 1997, is amended to read:

60-111.01. (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 mobile home or security interest in the vehicle or mobile home;

(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) In addition to any other required information, beginning on January 1, 1998, the application for a bonded certificate of title shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

(3) 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.

(4) 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 (5) 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.

(5) 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 .....

(6) 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.

(7) The department shall remit fees collected pursuant to this section to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(8) The department shall adopt and promulgate rules and regulations to carry out this section.

Sec. 3. Section 76-14,109, Reissue Revised Statutes of Nebraska, is amended to read:

76-14,109. ~~If a tenant abandons a mobile home on a mobile home space, the mobile home may not be removed from the mobile home space by the tenant or his or her agent without a signed written authorization from the landlord granting clearance for removal, showing all money due and owing paid in full, or an agreement reached with the legal owner and the landlord.~~ (1) A mobile home ~~shall be considered to be~~ is abandoned if the tenant has defaulted in rent and has, by absence of at least thirty days or by words or actions, reasonably indicated an intention not to continue the tenancy. A mobile home is also abandoned if the mobile home remains on a mobile home space at least thirty days after the rental agreement is terminated under section 76-14,101. After thirty days, the landlord may follow the procedures found in this section to gain title to the abandoned mobile home.

(2) The landlord shall personally deliver or send by first-class mail, postage prepaid, a notice to the tenant at the last-known address of the tenant and to any lienholder at the business address of the lienholder. The landlord shall at the same time publish the notice in a newspaper of general circulation in the county where the mobile home is located. The notice shall contain the following information:

(a) That the mobile home has been abandoned and the basis of the abandonment under subsection (1) of this section;

(b) That the tenant or lienholder has two weeks after the date of the notice in which to claim the abandoned mobile home pursuant to the procedures found in subsection (3) of this section;

(c) That title will vest in the landlord two weeks after the date of the notice, if the mobile home is unclaimed;

(d) That the mobile home will be offered at auction or sold after title vests in the landlord, and that the tenant and any lienholders will have the right to bid on or purchase the mobile home if it is offered for sale or auction;

(e) That after the mobile home is sold and the costs of storage, advertising, and sale are deducted, the remaining money will be turned over to the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act; and

(f) That if the mobile home cannot be sold or auctioned because no reasonable offer or bid is received, the landlord may retain the mobile home for use or may dispose of the mobile home at the expense of the tenant who abandoned it as provided in subsection (4) of this section.

(3) In order to claim possession of an abandoned mobile home during the two-week period after the date of the notice issued under subsection (2) of this section, the tenant or lienholder must obtain a signed written authorization from the landlord granting clearance for removal. The landlord shall issue such a written authorization if the tenant or lienholder has paid in full all money due and owing the landlord or if an agreement is otherwise reached between the tenant or lienholder of the mobile home and the landlord.

(4) Upon the expiration of the two-week period in subsection (2) of this section and if the mobile home remains unclaimed, title in the mobile home shall vest in the landlord. The landlord may sell or auction the mobile home, and if no reasonable offer or bid is received, the landlord may retain the mobile home for use or may dispose of the mobile home at the expense of the tenant who abandoned the mobile home. If the landlord or purchaser of the mobile home disposed of using this section cannot obtain a certificate of title for the mobile home, such person may acquire a bonded certificate of title to the mobile home by following the procedures in section 60-111.01 for a bonded certificate of title.

(5) If a lienholder claims a mobile home pursuant to subsection (3) of this section, the lienholder may file a civil action to recover damages from the tenant who abandoned the mobile home for all expenses incurred by the lienholder by reason of claiming the mobile home.

(6) Nothing in this section shall prohibit a landlord from removing an abandoned mobile home from the mobile space and placing it in storage at the owner's expense or from utilizing any other legal remedy.

Sec. 4. Original sections 60-104 and 76-14,109, Reissue Revised Statutes of Nebraska, and section 60-111.01, Revised Statutes Supplement, 1997, are repealed.".

(Signed) Curt Bromm, Chairperson

**Judiciary**

**LEGISLATIVE BILL 906.** Placed on General File.
**LEGISLATIVE BILL 1220.** Placed on General File.
**LEGISLATIVE BILL 1221.** Placed on General File.

**LEGISLATIVE BILL 1065.** Placed on General File as amended.
Standing Committee amendment to LB 1065:
AM2948

1. On page 3, line 7 and 9, strike "or review".

**LEGISLATIVE BILL 1139.** Placed on General File as amended.
Standing Committee amendment to LB 1139:
AM3392

1. Strike sections 2 to 4 and insert the following new sections:

"Sec. 2. (1) The Nebraska Hate Crimes Task Force is created.

(2) The Governor shall appoint the members of the task force and from the membership select a chairperson and a vice-chairperson. The task force shall consist of:

(a) The Attorney General or his or her designee;

(b) The Superintendent of Law Enforcement and Public Safety or his or her designee;

(c) One representative of law enforcement from a city of the metropolitan class;

(d) One representative of law enforcement from a city of the primary class;

(e) One representative of law enforcement from a city of the first class;

(f) One representative of law enforcement from a city of the second class;

(g) One representative of law enforcement from a county;

(h) The Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice or his or her designee;

(i) Four representative of state and local departments or agencies; and

(j) Two representatives from local community organizations.

(3) Task force members shall serve for two-year terms. In case of a vacancy occurring prior to the expiration of the term of a member, an appointment shall be made by the Governor for the remainder of the term.

(4) The Governor shall strive to include multi-gender, religious, and ethnic representation on the task force through his or her task force appointments.

(5) For administrative purposes, the task force shall be

managed and administered by the Nebraska Commission on Law Enforcement and Criminal Justice. The chairperson of the task force shall call meetings of the task force as he or she deems necessary to accomplish the purposes of sections 1 to 4 of this act. A quorum shall be one-half of the members of the task force.

Sec. 3. The Nebraska Hate Crimes Task Force shall, in cooperation with the appropriate federal, state, and local agencies:

(1) Examine the needs of state and local law enforcement agencies in training officers for the investigation and reporting of hate crimes;

(2) Recommend policy options for the enhancement of hate crimes prevention;

(3) Develop or adopt a curriculum for a train-the-trainer program, a program that teaches selected members of the law enforcement community how to train members of a local law enforcement agency to investigate and report hate crimes, to be administered by the Nebraska State Patrol;

(4) Develop or adopt a curriculum for officer training in the investigating and reporting of hate crimes;

(5) Coordinate the hate crimes efforts of all state and local law enforcement agencies;

(6) Develop a curriculum to be taught as a preventative measure at elementary and secondary schools throughout the state;

(7) Make available to law enforcement agencies materials prepared by federal, state, and local agencies and victims' rights organizations pertinent to hate crimes investigation and prevention;

(8) Coordinate technical assistance provided to state and local law enforcement agencies related to the prevention, investigation, and prosecution of hate crimes; and

(9) Coordinate assistance to victims of hate crimes.

Sec. 4. The training programs established by the Nebraska Hate Crimes Task Force, acting through the Nebraska State Patrol, shall include, at a minimum, the following:

(1) Recognition of the basic elements of hate crimes and proper initial response procedures;

(2) Instruction on how to comply with all federal, state, and local reporting requirements;

(3) Education of law enforcement officials regarding the history and growth of organized hate groups in the United States;

(4) Methods to develop preventative education curriculum for local schools and community youth groups; and

(5) Methods to cope with the trauma experienced by victims of hate crimes.".

**LEGISLATIVE BILL 1273.** Placed on General File as amended.
Standing Committee amendment to LB 1273:
AM3393

1. On page 2, line 21, after "aside" insert ", except if an unpaid obligation exists on a child support order that has been assigned to the state the future payments pursuant to that order will terminate but the child support order will not be set aside until the debt owed to the state is satisfied".

**LEGISLATIVE BILL 1353.** Placed on General File as amended.
(Standing Committee amendment, AM3390, 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 1356.** Placed on General File as amended.
Standing Committee amendment to LB 1356:
AM3391
1. On page 7, line 8, strike "for" and insert "up to".

**LEGISLATIVE BILL 1214.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

## AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LR 45CA:
FA534
P. 7, line 17, after "law.", insert: "No merger or consolidation of municipalities shall occur across county lines."

## GENERAL FILE

**LEGISLATIVE BILL 1152.** Title read. Considered.

Standing Committee amendment, AM3088, found on page 766, was considered.

Messrs. Schellpeper and Jones withdrew their amendment, AM3226, found on page 739.

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:
AM3412
(Amendments to Standing Committee amendments, AM3088)
1. On page 1, strike lines 2 through 24 and insert:
"(2)(a) If a county intends to adopt a county comprehensive development plan and zoning resolution and the county has appointed a planning commission of not less than seven members, the county board may, after notice and public hearing, adopt interim zoning measures regulating confined livestock operations, livestock waste control facilities, and open lots by resolution without first having adopted a county comprehensive development

plan. Interim zoning measures are available only to counties that have not adopted a county comprehensive development plan and zoning resolution. The interim zoning measures may include an interim zoning resolution, map, or regulation. Notice of the time and place of the public hearing shall be given by publication in a legal newspaper of general circulation in the county one time at least ten days prior to the hearing. A copy of the proposed interim zoning measures within the restrictions applied in this section, including any resolution, map, or regulation, shall be available for inspection during regular business hours at the office of the county clerk at least ten days prior to the hearing. An interim zoning measure shall expire April 15, 2000, or on the date a final county comprehensive development plan and zoning resolution is adopted, whichever occurs first.

(b) The interim zoning measure may include livestock zoning regulations that pertain to confined livestock operations, livestock waste control facilities, and open lots. For purposes of this subsection:

(i) Confined livestock operations means totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, or cages, with or without bedding materials and mechanical ventilation;

(ii) Livestock waste control facilities means any structure or combination of structures utilized to control livestock waste until it can be disposed of in a proper manner. Such structures include diversion terraces, holding ponds, debris basins, liquid manure storage pits, lagoons, or other such devices utilized to control livestock wastes; and

(iii) Open lots means pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

(c) A county board is limited to the adoption of any or all of the following interim livestock zoning regulations:

(i) A regulation prohibiting the construction of a livestock waste control facility until the owner or operator has been issued a construction permit, if required, by the Department of Environmental Quality;

(ii) A regulation which requires the Department of Environmental Quality to notify the county board of any application to construct a livestock waste control facility within the county;

(iii) A regulation requiring a new confined livestock operation or open lot to be a certain minimum distance from the nearest residence or be constructed with the consent of the

residence owner. The distance restriction shall not be more than one-quarter mile and shall be measured from the nearest edges of the confined livestock operation or open lots. This regulation shall not apply to the residence occupied by the owner or operator of the confined livestock operation or open lot;

(iv) A regulation requiring new confined livestock operations or open lots to be a certain minimum distance, not more than one mile from an incorporated city or village or from a concentration of ten or more residences which are located within a one-quarter square mile area. A regulation under this subdivision may only be adopted if it does not conflict with existing regulations and zoning jurisdiction of an incorporated city or village; and

(v) A regulation requiring that new open lots be set back a certain distance, not more than fifty feet, from any state or federal highway and a certain distance, not more than one hundred fifty feet, from the intersection of two county roads.

(d) Interim livestock zoning regulations are not applicable to existing confined livestock operations and open lots or to any confined livestock operation or open lot for which an application is filed with the Department of Environmental Quality or granted by the department prior to the adoption of a resolution by the county board to implement interim livestock zoning measures.

(e) A majority of the members of the county board may grant a hardship variance to interim zoning measures in the manner provided in section 23-168.03.".

2. On page 2, strike line 1.

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

**MR. MAURSTAD PRESIDING**

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

Pending.

**AMENDMENTS - Print in Journal**

Mr. Chambers filed the following amendment to LR 45CA:
FA537
Page 7, line 18, add, "Any merger or consolidation may be set aside by a majority of the people voting in each municipality or county which is a party to such merger or consolidation.

Mr. Chambers filed the following amendment to LR 45CA:
FA538
Amend AM3358

In line 1, after "page 4," strike all language and insert: "Strike all language in lines 6-28;

2. P. 5, strike lines 1-28;
3. P. 6, strike lines 1-28;
4. P. 7, strike lines 1-24;
5. Renumber

Mr. Preister filed the following amendment to LB 395:
AM3419

(Amendments to Standing Committee amendments, AM1138)

1. Strike sections 3 to 9 and all amendments thereto.
2. On page 1, strike beginning with "assuring" in line 9 through "of" in line 11.
3. On page 2, strike lines 10 through 18 and all amendments thereto; in line 19 strike "(d)" and all amendments thereto and insert "(3)"; and in line 26 strike "(e)" and all amendments thereto and insert "(4)".
4. On page 9, line 16 strike "section" through "of".
5. Renumber the remaining sections and correct internal references accordingly.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 1239.** Placed on General File.

**LEGISLATIVE BILL 989.** Placed on General File as amended.
(Standing Committee amendment, AM3370, 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 1026.** Placed on General File as amended.
Standing Committee amendment to LB 1026:
AM3415

1. Insert the following new sections:

"Section 1. Section 77-204, Reissue Revised Statutes of Nebraska, is amended to read:

77-204. One-half of the taxes due under section 77-203 shall become delinquent on May 1 and the second half on September 1 next following the date the taxes become due, except that in counties having a population of more than one hundred thousand, the first half shall become delinquent April 1 and the second half August 1 next following the date the taxes become due. The county treasurer shall mail a notice to each taxpayer who fails to pay the taxes due on or before the dates required by this section. This notice shall be on a postcard and shall indicate the taxes which are delinquent. The notice shall be mailed within sixty days after the date the taxes became delinquent.

Sec. 3. Sections 1 and 4 of this act become operative on

January 1, 1999. The other sections of this act become operative on their effective date.

Sec. 4. Original section 77-204, Reissue Revised Statutes of Nebraska, is repealed.".

2. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1089.** Placed on General File as amended.
Standing Committee amendment to LB 1089:
AM3374

1. Insert the following new section:

"Sec. 52. 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 6, line 15, after the period insert "Changes made by this legislative bill shall not be construed to affect any agreement creating or governing any joint entity formed under the Interlocal Cooperation Act or any power, duty, obligation, or right of any joint entity, or its participants, which is in existence on the effective date of this act. Changes made by this legislative bill are to be construed as supplemental to and not a replacement of, in whole or in part, the Interlocal Cooperation Act as it existed prior to the effective date of this act."; and in line 21 after "state" insert ", except that no act of the Legislature may impair any obligation of contract of a joint entity, joint public agency, or any participant thereof, including a contract for bonded indebtedness".

3. On page 7, line 1, before "participating" insert "overlapping"; and in line 13 strike "Any such" and insert "Unless the proposed tax is to increase the rate or use of the local option sales tax within the municipality, the".

4. On page 18, strike lines 15 through 17 and insert

"A joint public agency may perform any governmental service, activity, or undertaking which at least one of the participating public agencies is authorized to perform. In exercising its powers under this section to perform any governmental service, activity, or undertaking, a joint public agency shall be subject to the same procedures, regulations, and restrictions as the participating public agency which is granted the power by law to perform the governmental service, activity, or undertaking."; and in line 28 after "of" insert "one or more of".

5. Renumber the remaining section accordingly.

(Signed) William R. Wickersham, Chairperson

**WITHDRAW - Cointroducer**

Mr. Maurstad withdrew his name as cointroducer to LR 45CA.

## VISITORS

Visitors to the Chamber were Senator Matzke's daughter, Doran Matzke, from Denver, Colorado; 61 ninth through twelfth grade students and teacher from Deshler; Mike Goebel, Dallas Schaffer, Dr. Lloyd Westerbuhr, Jim McHugh, Steve Albrecht, and Linda Mai from Scottsbluff; Gilbert and Carolyn Luehring from Fairbury; Mr. Davlesov, Ms. Djenbaeva, Mr. Djuraev, Ms. Kiritchenko, Mr. Komarover, Mr. Ojienbekov, and Ms. Tsyplakova from Kyrgyzstan; and 30 fifth grade students and teacher from Zeman Elementary School, Lincoln.

## RECESS

At 12:03 p.m., on a motion by Mr. Hartnett, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Crosby, Hillman, Kiel, Witek, Messrs. Bromm, Dierks, Elmer, Matzke, Dw. Pedersen, Preister, Schrock, Will, and Ms. Schimek who were excused until they arrive.

## UNANIMOUS CONSENT - Member Excused

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

## MESSAGE FROM THE GOVERNOR

March 2, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Coordinating Commission for Postsecondary Education:

APPOINTEE: Imogene Enevoldsen, Potter, NE 69156

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## GENERAL FILE

**LEGISLATIVE BILL 1152.** The Schellpeper pending amendment, AM3412, found on page 844, to the pending Standing Committee amendment, was renewed.

Mr. Coordsen and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?"

Mr. Robinson moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Robinson requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Jones | Pedersen, Dw. | Schrock |
| Bohlke | Engel | Kristensen | Pederson, D. | Suttle |
| Brashear | Hillman | Landis | Peterson, C. | Thompson |
| Bromm | Hudkins | Lynch | Raikes | Tyson |
| Bruning | Janssen | Matzke | Robak | Wehrbein |
| Crosby | Jensen | Maurstad | Robinson | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Cudaback | Hartnett | Stuhr | Wesely | Witek |
| Dierks | Schmitt | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Kiel | Schellpeper | Vrtiska | Wickersham | Willhoft |

Absent and not voting, 2:

| | |
|---|---|
| Chambers | Hilgert |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Preister | Schimek | Will |
| Brown | | | | |

The motion to cease debate prevailed with 29 ayes, 7 nays, 5 present and not voting, 2 absent and not voting, and 6 excused and not voting.

Mr. Dierks requested a roll call vote on the Schellpeper amendment.

Mr. Brashear requested the roll call vote be taken in reverse order.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Kristensen | Raikes | Thompson |
| Bromm | Hillman | Matzke | Robak | Tyson |
| Bruning | Hudkins | Maurstad | Robinson | Vrtiska |
| Crosby | Janssen | Pedersen, Dw. | Schellpeper | Wehrbein |
| Cudaback | Jensen | Pederson, D. | Stuhr | Willhoft |
| Elmer | Jones | Peterson, C. | Suttle | |

Voting in the negative, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Kiel | Lynch | Schimek | Schrock |
| Chambers | Landis | Preister | Schmitt | Wesely |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Bohlke | Dierks | Hartnett | Wickersham | Witek |
| Brashear | Engel | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Brown | Coordsen | Will |

The Schellpeper amendment was adopted with 29 ayes, 10 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Brashear asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Dierks moved to reconsider the Schellpeper amendment, AM3412.

Mr. Hilgert and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

**MRS. CROSBY PRESIDING**

Messrs. Maurstad and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmitt 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 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Dierks requested a roll call vote on his motion to reconsider the Schellpeper amendment.

Mr. Cudaback requested the roll call vote be taken in reverse order.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Hudkins | Peterson, C. | Schmitt |
| Bohlke | Engel | Kristensen | Preister | Stuhr |
| Chambers | Hartnett | Landis | Robak | Wesely |
| Coordsen | Hilgert | Lynch | Schimek | Will |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Bromm | Janssen | Maurstad | Robinson | Wickersham |
| Bruning | Jensen | Pedersen, Dw. | Suttle | Willhoft |
| Elmer | Jones | Pederson, D. | Thompson | Witek |
| Hillman | Matzke | Raikes | Wehrbein | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Crosby | Schellpeper | Schrock | Tyson | Vrtiska |
| Cudaback | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Brashear | Brown | Kiel |

The Dierks motion to reconsider failed with 20 ayes, 19 nays, 6 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**Correctly Reengrossed**

The following bill was correctly reengrossed: LB 320.

**Enrollment and Review Change to LB 320**
**(Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER9124

1. In the Bromm-Bohlke amendment, AM3368:

a. On page 2, line 24, "less" has been struck and "not more" inserted and "and one day" has been struck; and

b. On page 3, line 8, "less" has been struck and "not more" inserted; and the matter beginning with "two" in line 10 through "three" in line 11 has been struck and "three years or less but more than two" inserted.

2. On page 18, line 27, "fee" has been inserted after "reinstatement".

(Signed) Jon C. Bruning, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1102A.** 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 1102, Ninety-fifth Legislature, Second Session, 1998.

**STANDING COMMITTEE REPORTS**
**Health and Human Services**

**LEGISLATIVE BILL 1271.** Placed on General File.

**LEGISLATIVE BILL 1339.** Placed on General File as amended.
(Standing Committee amendment, AM3128, 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

**AMENDMENTS - Print in Journal**

Mrs. Thompson filed the following amendments to LB 465:

(1)

AM3379
(Amendments to Standing Committee amendments, AM0617)

1. On page 8, line 26, strike "and".

2. On page 9, line 2, after "Patrol" insert "; and

(r)(i) He or she has not, within the ten-year period preceding submittal of the permit application, been adjudicated as being a juvenile described in subdivision (2) of section 43-247 or under a similar law of any other state for an act that would have constituted a felony had the applicant been an adult at the time of the commission of the act, and does not have any unresolved charges for such an act pending in this state, any other state, or the United States. If the applicant was committed to the Office of Juvenile Services pursuant to subdivision (2) of section 43-286, the ten-year period is calculated from the date of release from commitment, otherwise the ten-year period is calculated from the date of adjudication; and

(ii) He or she has not, within the ten-year period preceding submittal of the permit application, (A) been adjudicated as being a juvenile described in subdivision (1) of section 43-247 for any act that would constitute third degree assault under section 28-310, misdemeanor third degree sexual assault under section 28-320, misdemeanor child abuse under section 28-707, or a violation of any city or village ordinance or any law of another state or the United States that includes similar elements or (B) been adjudicated as being a juvenile described in subdivision (1) or (2) of section 43-247 for committing an offense involving the use of force against a spouse, a former spouse, or a child, which would have constituted a misdemeanor or a felony had the applicant been an adult at the time of the commission of the act, and the applicant does not have any unresolved charges for any such acts pending in this state, any other state, or the United States. If the applicant was committed to the Office of Juvenile Services pursuant to subdivision (2) of section 43-286, the ten-year period is calculated from the date of release from commitment, otherwise the ten-year period is calculated from the date of adjudication".

(2)

AM3376

(Amendments to Standing Committee amendments, AM0617)

1. On page 16, line 26, after the semicolon insert "organized sporting event not related to firearms;".

(3)

AM3425

(Amendments to Standing Committee amendments, AM0617)

1. On page 3, line 8, after "Patrol" insert ". The certificate of completion shall include on its face the specific handgun, including the serial number of the handgun, for which the applicant has qualified".

(4)

AM3377

(Amendments to Standing Committee amendments, AM0617)

1. On page 3, line 22, strike "and"; and in line 24 after "Nebraska" insert "; and

(h) Proof that there is in force a policy of public liability and property damage insurance issued to the applicant in an amount not less than one million dollars, in the event of an accidental shooting as well as proof that the applicant possesses a trigger lock device for the firearm he or she would carry".

(5)

AM3378

(Amendments to Standing Committee amendments, AM0617)

1. On page 3, after line 27 insert the following new paragraph:

"(3) The applicant also shall satisfy the sheriff that he or she possesses sufficient powers of eyesight to use a handgun with a reasonable degree of safety. The sheriff shall require for applicants a minimum acuity level of vision and a minimum field of vision, which may be obtained through standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens. The minimum acuity level of vision and the minimum field of vision shall be established by the Nebraska State Patrol by rule and regulation.".

2. On page 4, line 1, strike "(3)(a)" and insert "(4)(a)"; and in line 10 strike "(4)" and insert "(5)".

Mr. Kristensen filed the following amendment to LB 989:

AM3396

(Amendments to Standing Committee amendments, AM3370)

1. On page 1, line 6, strike "(a)" and insert an underscored comma; and strike beginning with "and" in line 13 through "determined" in line 16.

2. On page 5, line 3, after "unit" insert "other than community colleges"; and in line 13 after the period insert "The budget of a community college shall be subject to the operating revenue limits prescribed in section 85-1536.01.".

3. On page 6, lines 1, 7, and 11, and page 7, line 3, after "unit" insert "other than a community college".

## MOTIONS - Print in Journal

Mr. Will filed the following motion to LB 1086:

Return LB 1086 to the General Affairs Committee.

Mr. Will filed the following motion to LB 1086:

Bracket LB 1086 until April 16, 1998.

## GENERAL FILE

**LEGISLATIVE BILL 1152.** Mr. Schmitt offered the following amendment to the pending Standing Committee amendment:
AM3413

(Amendments to Standing Committee amendments, AM3088)

1. On page 1, line 7, after the period insert "The interim zoning measures shall not prohibit the construction of buildings or feedlots used for the raising of livestock of four hundred animal units or less, except where two or more buildings or feedlots with a combined capacity exceeding four hundred animal units are under common ownership or management and are being constructed in the same county. Animal unit means a unit of measurement for any livestock operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0, plus the number of chickens multiplied by 0.01, plus the number of turkeys multiplied by 0.02, plus the number of ducks multiplied by 0.2.".

Messrs. Landis and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmitt moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Schmitt requested a roll call vote on his amendment.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Lynch | Schimek | Will |
| Chambers | Dierks | Preister | Schmitt | |
| Coordsen | Engel | Raikes | Wesely | |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hillman | Kristensen | Pederson, D. | Thompson |
| Brown | Hudkins | Matzke | Peterson, C. | Vrtiska |
| Bruning | Janssen | Maurstad | Robinson | Wehrbein |
| Elmer | Jensen | Pedersen, Dw. | Schellpeper | Willhoft |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Cudaback | Hilgert | Robak | Stuhr | Tyson |
| Hartnett | Jones | Schrock | Suttle | Witek |

Absent and not voting, 1:

Wickersham

Excused and not voting, 5:

Abboud Brashear Bromm Kiel Landis

The Schmitt amendment lost with 13 ayes, 20 nays, 10 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

## AMENDMENT - Print in Journal

Mrs. Bohlke filed the following amendment to LB 1228:
AM3445

(Amendments to Standing Committee amendments, AM3320)

1. On page 3, line 8, after "act" insert "or a mentor teacher program established by the district and approved by the state board".

## STANDING COMMITTEE REPORT
## Health and Human Services

**LEGISLATIVE BILL 1070.** 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.)

(Signed) Don Wesely, Chairperson

## AMENDMENTS - Print in Journal

Mr. Schmitt filed the following amendment to LB 1152:
AM3438

(Amendments to AM3412)

1. On page 2, line 23, strike beginning with "is" through "of" and insert "may adopt"; in line 24 after "following" insert "statewide minimum criteria for"; and in line 25 strike "the construction of" and insert "any construction on".

2. On page 3, line 8, strike "not"; and in line 23 after "highway" insert "right-of-way".

3. On page 4, line 1, strike "is filed with" and insert "has been granted by"; and in line 2 strike beginning with "or" through "department".

Mr. Beutler filed the following amendment to LB 1152:
AM3439

(Amendments to AM3412)

1. On page 2, line 4, after "(i)" insert "Animal unit means a unit of measurement for any livestock operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0, plus the number of chickens multiplied by 0.01, plus the number of turkeys multiplied by 0.02, plus the number of ducks multiplied by 0.2;
(ii)"; in line 11 strike "(ii)" and insert "(iii)"; in line 17 strike "(iii)" and insert "(iv)"; and in line 23 after "limited" insert ", except for operations exceeding five hundred animal units,".

Mr. Dierks filed the following amendment to LB 1152:
FA540

Amend AM3412

On page 1, line 20, strike "April 15, 2000" and insert two years from the adoption of the interim zoning measures."

Mr. Beutler filed the following amendment to LB 1152:
FA541

Strike the following in AM3412

Strike subsection (2)c beginning on line 23, page 2

Mrs. Bohlke filed the following amendment to LB 1152:
AM3429

1. Insert the following new sections:

"Sec. 4. Section 28-1305, Reissue Revised Statutes of Nebraska, is amended to read:

28-1305. Whoever shall put the carcass of any dead animal, the offals from any slaughter house, butcher's establishment, packing house, or fish house, any spoiled meats, spoiled fish, or putrid animal substance, or the contents of any privy vault upon or into any river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space, or common, or whoever, being the owner or owners or occupant or occupants thereof, shall knowingly permit the same to remain in any of the aforesaid situations, to the annoyance of the citizens of this state, or any of them, or shall neglect or refuse to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence of such nuisance upon any of the above-described premises owned or occupied by him, her, or them, or after notice thereof in writing from the street commissioner, supervisor, or any trustee or health officer of any city or precinct in which such nuisance shall exist, shall be guilty of a

Class ~~V~~ II misdemeanor. If the nuisance is not abated within twenty-four hours thereafter, it shall be deemed a second offense against the provisions of this section, and every like neglect of each twenty-four hours thereafter shall be considered an additional offense.

Sec. 5. Section 54-744, Reissue Revised Statutes of Nebraska, is amended to read:

54-744. (1) Except as set out in subsection (2) of this section, it shall be the duty of the owner or custodian of any animal which dies from and on account of any infectious, contagious, or otherwise transmissible disease to cause such animal, within thirty-six hours after receiving knowledge of the death of such animal, to be buried at least four feet below the surface of the ground or to be completely burned on the premises where such animal dies unless the animal is disposed of to a duly licensed rendering establishment in this state. Such animal shall not be moved or transported from the premises where such animal has died except by the authorized agents and employees of the rendering establishment to which such carcass is disposed. Any animal which dies of disease or is found dead shall be presumed to have died from and on account of an infectious, contagious, or otherwise transmissible disease.

(2) Chicken and turkey carcasses may be incorporated into a composting facility on the premises where the chickens or turkeys died and shall remain in such compost facility until completely composted before spreading on land.

(3) Any person violating the provisions of this section shall be guilty of a Class II misdemeanor.".

2. On page 8, line 4, strike "and"; and in line 5, after "23-174.10," insert "28-1305, and 54-744,".

3. Renumber the remaining sections accordingly.

**MOTION - Print in Journal**

Mr. Chambers filed the following motion to LB 1152:
To indefinitely postpone.

**VISITORS**

The Doctor of the Day was John Quinn from Franklin.

**ADJOURNMENT**

At 5:00 p.m., on a motion by Mr. Schmitt, the Legislature adjourned until 9:00 a.m., Tuesday, March 3, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# THIRTY-SIXTH DAY – MARCH 3, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 3, 1998

Pursuant to adjournment, the Legislature met at 9:00 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. Beutler, Dierks, Robinson, Wickersham, Will, Mmes. Bohlke, Kiel, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

## GENERAL FILE

**LEGISLATIVE BILL 204A.** Title read. Considered.

Mrs. Brown and Mr. Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 1053A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 1 nay, 10 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 1134A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 1 nay, 10 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 988.** Title read. Considered.

Mr. Chambers offered the following amendment:
FA542
Strike emergency clause.

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

Mr. Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Hudkins | Peterson, C. | Schrock |
| Bohlke | Crosby | Janssen | Preister | Stuhr |
| Brashear | Elmer | Kiel | Raikes | Suttle |
| Bromm | Engel | Kristensen | Robinson | Wehrbein |
| Bruning | Hartnett | Landis | Schimek | Wesely |
| Chambers | Hilgert | Pedersen, Dw. | Schmitt | Wickersham |

Voting in the negative, 12:

| | | | | |
|---|---|---|---|---|
| Brown | Lynch | Pederson, D. | Thompson | Willhoft |
| Hillman | Matzke | Schellpeper | Tyson | Witek |
| Jones | Maurstad | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Dierks | Jensen | Vrtiska |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Cudaback | Robak | Will |

The Chambers amendment was adopted with 30 ayes, 12 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Chambers offered the following amendment:
FA543
P. 2, line 28, Add, "In no case shall an amount exceeding $35 million be transferred at one time."

Mr. Chambers withdrew his amendment.

Advanced to E & R for review with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Messrs. Wehrbein, Wickersham, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 1035.** Title read. Considered.

Standing Committee amendment, AM2797, found on page 359, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA544
Amend committee amendment
In line 7, strike the period and add "and in effect on the effective date of this act."

Mrs. Witek and Mr. Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

**AMENDMENTS - Print in Journal**

Mrs. Hillman filed the following amendment to LB 1035:
AM3453
1. Insert the following new sections:
"Section 1. Section 13-1602, Reissue Revised Statutes of Nebraska, is amended to read:
13-1602. The purpose of the Political Subdivisions Self-Funding Benefits Act is to permit political subdivisions to

provide employee benefits to employees and their dependents through self-funding by establishing, participating in, and administering employee benefit plans either independently or jointly pursuant to the Interlocal Cooperation Act. It is also the purpose of the ~~act~~ Political Subdivisions Self-Funding Benefits Act to require political subdivisions using self-funding for employee benefit plans to meet certain requirements to protect the benefits of covered employees and covered dependents.

Sec. 2. Section 13-1611, Reissue Revised Statutes of Nebraska, is amended to read:

13-1611. Plan sponsor shall mean (1) any political subdivision independently providing an employee benefit plan or (2) two or more political subdivisions jointly providing an employee benefit plan pursuant to the Interlocal Cooperation Act.

Sec. 3. Section 13-1614, Reissue Revised Statutes of Nebraska, is amended to read:

13-1614. Any political subdivision may establish, participate in, and administer employee benefit plans for its employees or its employees and their dependents ~~which will~~ either independently or jointly with other political subdivisions pursuant to the Interlocal Cooperation Act. Such plans shall provide hospitalization, medical, surgical, and sickness and accident coverage or any one or more of such coverages. Such coverages shall be provided through self-funding in combination with excess insurance or through self-funding without excess insurance pursuant to subsection (4) of section 13-1622. Such coverages may include employee and dependent deductibles and copayments.

Sec. 4. Section 13-1617, Reissue Revised Statutes of Nebraska, is amended to read:

13-1617. (1) ~~The~~ When a political subdivision independently provides an employee benefit plan, the governing body ~~of the plan sponsor~~ shall approve the use of any self-funding for its employee benefit plan. When two or more political subdivisions jointly provide an employee benefit plan pursuant to the Interlocal Cooperation Act, the financial responsibilities and conditions for participating, including the use of any self-funding, and terminating participation shall be specified in the terms of the agreement required pursuant to section 13-804.

(2) The self-funded portion of an employee benefit plan shall comply with the Political Subdivisions Self-Funding Benefits Act. The self-funded portion of the employee benefit plan shall be solely for the benefit of the employees and dependents of the plan sponsor. ~~and shall not be pooled with the self-funded portion of an employee benefit plan of another plan sponsor.~~

(3) Each plan sponsor shall be liable for payment of valid claims under its employee benefit plan.

(4) The governing body of ~~the plan sponsor~~ each political subdivision providing an employee benefit plan shall annually review the self-funded portion of the employee benefit plan for

compliance with section 13-1619.

(5) The plan sponsor shall keep confidential employee benefit plan information held by it which personally identifies employees and their dependents and the nature of any claims submitted by employees and their dependents. Any agent of the plan sponsor shall not use or disclose any such information to any person except to the extent necessary to administer claims or as otherwise authorized by law. No information regarding claims submitted by employees and their dependents and held by the plan sponsor shall be used directly or indirectly to alter the terms and conditions of employment of the employees. Any plan sponsor, member of ~~its~~ a governing body, officer, employee, or agent who knowingly or willfully violates this subsection shall be guilty of a Class III misdemeanor.

Sec. 5. Section 13-1620, Reissue Revised Statutes of Nebraska, is amended to read:

13-1620. The governing body of each political subdivision providing an employee benefit plan ~~a plan sponsor~~ shall approve an annual report showing the beginning and ending balance of the fund established pursuant to section 13-1619, deposits of monthly accruals and other assets of the fund, and a separate accounting to reflect required reserves.".

2. On page 29, line 11, after "sections" insert "13-1602, 13-1611, 13-1614, 13-1617, 13-1620," and before "and" insert a comma.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Bromm filed the following amendment to LB 309:
AM3401

(Amendments to E & R amendments, AM7206)

1. Insert the following new section:

"Sec. 3. Section 29-119, Reissue Revised Statutes of Nebraska, is amended to read:

29-119. For purposes of sections 23-1201, 29-119, 29-120, and 29-2261, unless the context otherwise requires:

(1) A plea agreement shall mean that as a result of a discussion between the defense counsel and the prosecuting attorney:

(a) A charge is to be dismissed or reduced; or

(b) A defendant, if he or she pleads guilty to a charge, may receive less than the maximum penalty permitted by law; and

(2) Victim shall mean a person who, as a result of a homicide as defined in sections 28-302 to 28-306, a first degree sexual assault as defined in section 28-319, a first degree assault as defined in section 28-308, a sexual assault of a child as defined in section 28-320.01, a second degree assault as defined in section 28-309, a first degree false imprisonment as defined in section 28-314, a second degree sexual assault as defined in

section 28-320, or a robbery as defined in section 28-324, has had a personal confrontation with the offender and shall also include a person who has suffered serious bodily injury as defined in section 28-109 as a result of a motor vehicle accident when the driver was charged with a ~~Class W misdemeanor as provided in~~ violation of section 60-6,196 or 60-6,197 or with violation of a city or village ordinance enacted in conformance with either of such sections. In the case of a homicide, victim shall mean at least one family representative but shall not include the alleged perpetrator of the homicide. In the case of a sexual assault of a child, victim shall mean the child victim and the parents, guardians, or duly appointed legal representative of the child victim but shall not include the alleged perpetrator of the sexual assault.".

2. On page 9, strike beginning with "The" in line 4 through "days" in line 5, show as stricken, and insert "No motor vehicle impounded under this section shall be impounded for a period of time exceeding thirty days, except as provided in subsection (3) of this section".

3. On page 10, line 6, strike "operator" and insert "owner".

4. On page 13, line 24, after "receipt" insert "by the director".

5. On page 14, line 10, after "60-6,211.05" insert "or an order issued by the Board of Pardons pursuant to section 20 of this act"; and in lines 19 and 20 strike "14 and 15" and insert "15 and 16".

6. On page 16, line 5; and page 24, line 6, strike "five-hundred-dollar" and insert "four-hundred-dollar".

7. On page 18, line 2; and page 26, line 5, strike "five-hundred-dollar" and insert "six-hundred-dollar".

8. On page 21, line 8; and page 29, line 17, after "facility" insert "if an adult or a juvenile detention facility if a person under eighteen years of age".

9. On page 21, lines 13 and 15; and page 29, lines 22 and 24, strike "five" and insert "seven".

10. On page 44, line 12, after "responsibility" insert "as required by the Motor Vehicle Safety Responsibility Act".

11. On page 45, line 7; page 46, line 3; and page 48, line 19, strike "19" and insert "20".

12. On page 47, line 21, strike "Department" and insert "Director"; and in line 27 strike "department" and insert "director".

13. On page 48, line 22; and page 49, line 2, after "28-106," insert "29-119,".

14. Renumber the remaining sections accordingly.

## STANDING COMMITTEE REPORT
## Government, Military and Veterans Affairs

**LEGISLATIVE BILL 1120.** Placed on General File as amended.
(Standing Committee amendment, AM3364, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) C. N. "Bud" Robinson, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 1152.** Mr. Schmitt asked unanimous consent to bracket. No objections. So ordered.

**LEGISLATIVE BILL 1228.** Title read. Considered.

Standing Committee amendment, AM3320, printed separately and referred to on page 772, was considered.

Mr. Bromm 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:
FA545

Sec. 2. (1) Quality education incentive payments shall be provided to local systems, as defined in section 79-1003, each year the local system meets the qualifications described in this section. The first two years a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in subsection (2) of this section. The third and fourth years a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in subsection (2) of this section and at least two of the premier quality factors in subsection (3) of this section. The fifth and sixth year a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in subsection (2) of this section and at least three of the premier quality factors in subsection (3) of this section. The seventh year and each year thereafter a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in subsection (2) of this section and all of the premier quality factors in subsection (3) of this section, except as provided in subsection (4) of this section.

(2) The primary quality factors are:

(a) Each district in the local system has adopted

academic standards adopted and promulgated by the State Board of Education or academic standards approved by the state board as generally more rigorous than the academic standards adopted and promulgated by the state board;

(b) Each district in the local system has an alternative school, class, or educational program available or in operation for all expelled students pursuant to subsection (1) of section 79-266 or, for districts that do not have any expelled students, an adopted school board policy to have an alternative school, class, or educational program available or in operation for all expelled students pursuant to subsection (1) of section 79-266 if any expulsions occur;

(c) Each district in the local system has an approved program for learners with high ability pursuant to sections 79-1106 to 79-1108 available to students identified as learners with high ability or, for districts that do not have any identified learners with high ability, an adopted school board policy to have an approved program for learners with high ability pursuant to sections 79-1106 to 79-1108 if any learners with high ability are identified; and

(d) At least sixty percent of the graduating seniors in the local system have taken a standard college admissions test and those students have an aggregate average score, using the most recent test score on each test taken for each student who has taken at least one of the tests, above the statewide average score on any of the standard college admissions tests which at least twenty-five percent of the graduating seniors have taken.

(3) The premier quality factors are:

(a) The local system has at least one teacher certified by the National Board for Professional Teaching Standards;

(b) At least thirty-six percent of the certificated teachers in the local system have advanced degrees;

(c) Each district in the local system participates in the mentor teacher program pursuant to section 5 of this act and provides a mentor for each first-year teacher employed by the district or, for districts that do not employ any first-year teachers, has an adopted school board policy to participate in the program and provide a mentor for each first-year teacher employed by the district if the district hires any first-year teachers; and

(d) The high school district improves the annual percentage dropout rate from the prior year or maintains a dropout rate not to exceed four percent.

(4) If a local system in which at least forty percent of the formula students qualify for the poverty factor pursuant to section 79-1007.01 meets all of the qualifications for quality education incentive payments, except that the aggregate average college admission test scores pursuant to subdivision (2)(d) of this section are not above the statewide average, the local system shall receive quality education incentive payments equal to fifty

dollars per formula student multiplied by two times the percentage resulting when the number of local system graduating seniors who scored above the statewide average on any standard college admission test, using the most recent test score on each test taken for each student who has taken at least one of the tests, is divided by the number of all local system graduating seniors who have taken a standard college admissions test.

(5) Local systems meeting the criteria in subsections (1) through (4) of this section may apply to the Excellence in Education Council for quality education incentive payments on or before July 1 of each fiscal year, using the most recent information and data available. If the information and data in the application indicate that the local system meets the criteria in such subsection, the local system shall qualify for quality education incentive payments.

(6) Quality education incentive payments shall be made from the Education Innovation Fund on or before September 1 of each school fiscal year beginning with the 1998-99 school fiscal year. The payments shall equal fifty dollars per adjusted formula student or one hundred dollars per adjusted formula student for local systems in the very sparse cost grouping based on the most recent certification of state aid pursuant to the Tax Equity and Educational Opportunities Support Act. If the unobligated balance in the fund is less than the amount calculated for quality education incentive payments due to qualified local systems, each qualified local system shall receive a pro rata amount such that the amount of payments equals the unobligated balance in the fund.

(7) The incentive payments shall only be used for the purposes set forth in section 9-812 for major competitive grants. The payments shall be made to the high school district, and the high school district shall determine how the payments shall be used after consultation with all Class I school districts in the local system. Quality education incentive payments, or portions of such payments, may be transferred to the Class I school districts. Payments pursuant to this section shall not be included as local system formula resources pursuant to section 79-1018.01. The Excellence in Education Council may audit the use of quality education incentive payments at the discretion of the council.

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

Mrs. Bohlke renewed her pending amendment, AM3445, found on page 857, to the first Standing Committee amendment.

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

**SPEAKER KRISTENSEN PRESIDING**

Messrs. Wesely, Hilgert, Dierks, Maurstad, Abboud, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

**AMENDMENTS - Print in Journal**

Mrs. Suttle and Mr. Landis filed the following amendment to LB 1035:
AM3322

1. Insert the following new section:

"Sec. 13. (1) Notwithstanding section 44-3,131, any individual or group sickness and accident insurance policy or subscriber contract delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and any self-funded employee benefit plan to the extent not preempted by federal law, which provides reimbursement for prescription drugs approved by the federal Food and Drug Administration for the treatment of a specific type of cancer shall not exclude coverage of any drug or combination of drugs on the basis that the drug or combination of drugs has not been approved by the federal Food and Drug Administration for the treatment of another specific type of cancer, if (a) the drug or combination of drugs is recognized for treatment of the other specific type of cancer in the United States Pharmacopeia-Drug Information and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration, or (b) the drug or combination of drugs is recognized for treatment of the other specific type of cancer in medical literature and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration.

(2) Notwithstanding section 44-3,131, any individual or group sickness and accident insurance policy or subscriber contract delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and any self-funded employee benefit plan to the extent not preempted by federal law, which provides reimbursement for prescription drugs approved by the federal Food and Drug Administration for the treatment of human immunodeficiency virus or acquired immunodeficiency syndrome shall not exclude coverage of any drug or combination of drugs on the basis that the drug or combination of drugs has not been approved by the federal Food and Drug Administration for the treatment of human immunodeficiency virus or acquired immunodeficiency syndrome, if (a) the drug or combination of drugs is recognized for treatment of human immunodeficiency virus or acquired immunodeficiency syndrome

in the United States Pharmacopeia-Drug Information and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration, or (b) the drug or combination of drugs is recognized for treatment of human immunodeficiency virus or acquired immunodeficiency syndrome in medical literature and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration.

(3) Any coverage of a drug or combination of drugs required by this section shall include medically necessary services associated with the administration of the drug if such services are covered by the insurance policy, contract, or plan.

(4) Nothing in this section shall be construed to require coverage for any experimental or investigational drug not approved by the federal Food and Drug Administration.

(5) For purposes of this section, medical literature means two articles from major peer-reviewed professional medical journals that have recognized, based on scientific or medical criteria, the safety and effectiveness of the drug or combination of drugs for treatment of the indication for which it has been prescribed unless two articles from major peer-reviewed professional medical journals have concluded, based on scientific or medical criteria, that the drug or combination of drugs is unsafe or ineffective or that the safety and effectiveness of the drug or combination of drugs cannot be determined for the treatment of the indication for which the drug or combination of drugs has been prescribed. Each article shall meet the uniform requirements for manuscripts submitted to biomedical journals established by the International Committee of Medical Journal Editors or shall have been published in a journal specified by the United States Department of Health and Human Services pursuant to 42 U.S.C. 1395x(t)(2)(B), as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier.

(6) Within ninety days of the effective date of this act, the chief medical officer, if one is appointed pursuant to section 81-3201, and if not, then the Director of Regulation and Licensure, shall appoint a panel of five medical experts as follows: Three medical oncologists, upon the recommendation of the Nebraska Oncology Society, and two specialists in the management of patients being treated for human immunodeficiency virus or acquired immunodeficiency syndrome, upon the recommendation of the Nebraska Medical Association. Members of the panel shall serve without compensation, except that they shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177. When there is a question regarding acceptable medical literature support of an administration under this section, the panel, upon request of the Director of Insurance, shall review the use in

dispute and the medical literature and shall advise the Director of Insurance whether an administration is medically appropriate for purposes of this section. A majority vote of the members of the panel shall be necessary to determine that coverage is medically appropriate. The panel may meet in person or by telephone conference call or other communication means acceptable to the Director of Insurance and the chief medical officer, if one is appointed pursuant to section 81-3201, and if not, then the Director of Regulation and Licensure.

(7) This section shall apply to policies, plans, or contracts for insurance as provided in subsections (1) and (2) of this section which are delivered, issued for delivery, or renewed in this state on or after the effective date of this act.".

2. Renumber the remaining sections and correct internal references accordingly.

Messrs. Hilgert and Janssen filed the following amendment to LB 395:
AM3300

(Amendments to Standing Committee amendments, AM1138)

1. Strike section 7.
2. On page 9, line 16, strike "8" and insert "7".
3. Renumber the remaining sections and correct internal references accordingly.

## STANDING COMMITTEE REPORT
## General Affairs

**LEGISLATIVE BILL 1182.** Placed on General File as amended.
Standing Committee amendment to LB 1182:
AM3397

1. Strike the original sections and insert the following new sections:

"Section 1. Section 9-812, Reissue Revised Statutes of Nebraska, is amended to read:

9-812. (1)(a) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Cash Fund. In accordance with legislative appropriations, money for payments for expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Cash Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold.

(b) Until July 1, 1999, at ~~At~~ least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred from the State Lottery Operation Trust Fund to the Education Innovation Fund, ~~the Solid Waste Landfill Closure Assistance Fund,~~ the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. On and after July 1, 1999, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred to the Public School Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund.

(c) Until July 1, 1999, forty-nine ~~Forty-nine~~ and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. On and after July 1, 1999, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Public School Assistance Fund to be used as provided in subsection (4) of this section. ~~Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act.~~ After July 1, 1997, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in sections 83-162.01 to 83-162.04.

(2) The Education Innovation Fund is hereby created. On and after July 1, 1999, no new funds shall be deposited into the Education Innovation Fund. At such time as all money is depleted from the Education Innovation Fund, such fund shall cease to exist. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational

organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

In addition to the minigrants granted for the development of strategic school improvement plans, school districts with annual budget expenditures of three hundred fifty thousand dollars or less are eligible for minigrants for the purposes allowed in subdivisions (2)(a) through (q) of this section. The amount of this type of minigrant shall not exceed five thousand dollars. The school district shall present a curriculum support plan with its application for the grant. The curriculum support plan must show how the district is working to achieve one or more of the allowed purposes and how the grant will be used to directly advance the plan to achieve one or more of these purposes. The plan must be signed by the school administrator and a school board representative. The application for the grant shall be brief. The Excellence in Education Council shall select the recipients of this type of minigrant and shall administer such minigrants.

Major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration pursuant to the state's goal of ensuring that all kindergarten through grade twelve public school districts or affiliated school systems have a direct connection to a statewide public computer information network by June 30, 2000. The telecomputing equipment and services needed to meet this goal

may be funded under this subsection, sections 79-1233 and 79-1310, or any combination of such subsection and sections. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood and parent education which emphasizes child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time;

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom;

(p) Approved programs or services under sections 79-1106 to 79-1108; and

(q) Programs for students with disabilities receiving special education under the Special Education Act and students needing support services as defined in section 79-1185, which programs demonstrate improved outcomes for students through emphasis on prevention and collaborative planning.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of

Education shall provide staff support for the council. On and after July 1, 1999, the council shall wind down its affairs and make recommendations for the allocation of the remaining funds in the Education Innovation Fund. On July 1, 2000, the council shall cease to exist. Until July 1, 2000, the ~~The~~ council shall have the following powers and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection, including minigrants;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) The Public School Assistance Fund is created which shall be administered by the State Department of Education. The fund shall consist of lottery proceeds credited to the fund pursuant to section 9-812. On and after July 1, 1999, the department shall distribute money from the fund to school districts on a per-pupil basis based upon the preceding year's average daily membership as reported in the annual financial report. The State Department of Education shall adopt and promulgate rules and regulations to carry out the provisions of this subsection.

(5) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, ~~or~~ the Education Innovation Fund, or the Public School Assistance 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)~~ (6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.

Sec. 2. Section 9-836.01, Reissue Revised Statutes of Nebraska, is amended to read:

9-836.01. The division may endorse and sell for profit tangible personal property related to the lottery. Any money received as profit by the division pursuant to this section shall be remitted to the State Treasurer for credit to the State Lottery Operation Trust Fund to be distributed ~~to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund~~ pursuant to the requirements of section 9-812.

Sec. 3. Section 79-1108, Reissue Revised Statutes of Nebraska, is amended to read:

79-1108. For school year 1997-98 and each school year thereafter, each school district or educational service unit serving or contracting with a school district to provide programs or services shall identify learners with high ability and each such school district or educational service unit shall, contingent upon available local, state, or federal funding, provide programs or services that will address the educational needs of the identified students at levels appropriate for the abilities of those students. The programs or services shall meet the standards of quality for programs or services for learners with high ability established by the department. ~~Any~~ Until July 1, 1999, any school district or educational service unit shall be eligible to apply for funds from the Education Innovation Fund to be used for development and improvement of the approved programs or services of the district or unit.

Sec. 4. Original sections 9-812, 9-836.01, and 79-1108, 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) Stan Schellpeper, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 204A.** Placed on Select File.
**LEGISLATIVE BILL 1053A.** Placed on Select File.
**LEGISLATIVE BILL 1134A.** Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1171A.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1171, Ninety-fifth Legislature, Second Session, 1998.

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 204. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 1189. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Colleen Mueller from Lincoln; 53 fourth grade students and teacher from Lincoln Christian School; 20 juniors, seniors, and teacher from O'Neill High School; 70 fourth grade students, teachers, and principal from Cozad; 17 seniors, teacher, and principal from Wilcox High School; and Senator Bohlke's daughter-in-law and grandson, Corrina and Nick Bohlke, from Lincoln.

## RECESS

At 12:03 p.m., on a motion by Mr. Chambers, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Coordsen, Dierks, Hartnett, Landis, Lynch, Maurstad, Schellpeper, Wesely, Will, Mmes. Brown, Crosby, and Hillman who were excused until they arrive.

## GENERAL FILE

**LEGISLATIVE BILL 1228.** The Bohlke pending amendment, AM3445, found on page 857 and considered on page 869, to the pending first Standing Committee amendment, FA545, found on page 867, was renewed.

The Bohlke amendment was adopted with 26 ayes, 1 nay, 12 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. BRASHEAR PRESIDING**

Mr. Chambers offered the following amendment to the first Standing Committee amendment:

FA550

Amend FA545

1. P. 2, line 16, after "to" insert, "and being used by";

2. In line 17, put a semicolon after "ability" and strike the remaining language through "identified", in line 21.

Mrs. Robak, Messrs. Janssen, Coordsen, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Bromm | Janssen | Pedersen, Dw. | Schmitt | Wesely |
| Chambers | Jones | Schellpeper | Tyson | Witek |
| Dierks | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Hudkins | Schrock | Wickersham |
| Beutler | Crosby | Kiel | Stuhr | Will |
| Bohlke | Engel | Kristensen | Suttle | Willhoft |
| Brown | Hillman | Pederson, D. | Thompson | |

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Brashear | Hilgert | Maurstad | Robinson | Vrtiska |
| Elmer | Jensen | Preister | Schimek | Wehrbein |
| Hartnett | Matzke | Raikes | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Coordsen | Cudaback | Landis | Lynch | Peterson, C. |

Robak

The Chambers amendment lost with 11 ayes, 19 nays, 13 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Judiciary

**LEGISLATIVE BILL 507.** Placed on General File as amended.
(Standing Committee amendment, AM3319, 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 1308.** Placed on General File as amended.
Standing Committee amendment to LB 1308:
AM3306

1. On page 2, lines 4 and 13, after "which" insert "the crime for which"; in lines 5 and 13 after "imposed" insert "was committed"; in line 12 after "(2)" insert

"(a) If the punishment of death has been imposed on a convicted person subject to subsection (1) of this section prior to the effective date of this act, the convicted person being punished shall, within ten days after the effective date of this act, make the choice of punishments of death provided in subsection (1) of this section in writing and deliver the writing to the warden of the Nebraska Penal and Correctional Complex.

(b) If the punishment of death is imposed on a convicted person subject to subsection (1) of this section on or after the effective date of this act, the convicted person being punished shall, within ten days after the order is entered sentencing the defendant to death pursuant to section 29-2522, make the choice of punishments of death provided in this subsection in writing and deliver the writing to the warden of the Nebraska Penal and Correctional Complex.

(c) In the event the convicted person being punished fails to make the choice provided in this subsection, the mode of inflicting the punishment of death shall be pursuant to subdivision (1)(a) of this section.

(3)"; and in line 17 strike "(3)" and insert "(4)".

(Signed) Kermit A. Brashear, Chairperson

### Revenue

**LEGISLATIVE BILL 911.** Indefinitely postponed.

**LEGISLATIVE BILL 913.** Indefinitely postponed.
**LEGISLATIVE BILL 930.** Indefinitely postponed.
**LEGISLATIVE BILL 942.** Indefinitely postponed.
**LEGISLATIVE BILL 955.** Indefinitely postponed.
**LEGISLATIVE BILL 1061.** Indefinitely postponed.
**LEGISLATIVE BILL 1062.** Indefinitely postponed.
**LEGISLATIVE BILL 1092.** Indefinitely postponed.
**LEGISLATIVE BILL 1114.** Indefinitely postponed.
**LEGISLATIVE BILL 1116.** Indefinitely postponed.
**LEGISLATIVE BILL 1148.** Indefinitely postponed.
**LEGISLATIVE BILL 1149.** Indefinitely postponed.
**LEGISLATIVE BILL 1186.** Indefinitely postponed.
**LEGISLATIVE BILL 1195.** Indefinitely postponed.
**LEGISLATIVE BILL 1215.** Indefinitely postponed.
**LEGISLATIVE BILL 1226.** Indefinitely postponed.
**LEGISLATIVE BILL 1231.** Indefinitely postponed.
**LEGISLATIVE BILL 1289.** Indefinitely postponed.
**LEGISLATIVE BILL 1291.** Indefinitely postponed.
**LEGISLATIVE BILL 1298.** Indefinitely postponed.
**LEGISLATIVE BILL 1311.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 304CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 315CA.** Indefinitely postponed.
**LEGISLATIVE RESOLUTION 317CA.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

## AMENDMENT - Print in Journal

Mr. D. Pederson and Mrs. Bohlke filed the following amendment to LB 1229:
AM3446

1. On page 20, line 19, before "provide" insert "may".
2. On page 21, line 19, strike "six million dollars" and insert "the amount of the previous year's appropriation".
3. On page 22, line 11, strike "Operate" and insert "Provide"; and in line 12 after "program" insert "for students identified as learners with high ability".

## GENERAL FILE

**LEGISLATIVE BILL 1228.** Mrs. Stuhr offered the following amendment to the first Standing Committee amendment:
FA551
Amend FA545
p. 3, line 6 - add after "degrees," "or at least thirty graduate-level hours."

Messrs. Abboud, Maurstad, Kristensen, and Mrs. Hillman 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 20 ayes, 0 nays, and 29 not voting.

Mrs. Stuhr requested a record vote on her amendment.

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Matzke | Schmitt | Wehrbein |
| Bohlke | Hartnett | Pedersen, Dw. | Schrock | Wesely |
| Bromm | Hilgert | Pederson, D. | Stuhr | Wickersham |
| Bruning | Hudkins | Preister | Suttle | Will |
| Crosby | Janssen | Robinson | Thompson | Willhoft |
| Dierks | Jensen | Schellpeper | Tyson | Witek |
| Elmer | Jones | Schimek | Vrtiska | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brashear | Brown | Chambers | Kiel | Raikes |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kristensen | Lynch | Peterson, C. |
| Coordsen | Hillman | Landis | Maurstad | Robak |

The Stuhr amendment was adopted with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Health and Human Services

**LEGISLATIVE BILL 1354.** Placed on General File as amended.
(Standing Committee amendment, AM3466, 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

### Appropriations

**LEGISLATIVE BILL 1158.** Placed on General File.

**LEGISLATIVE BILL 1100.** Placed on General File as amended.
(Standing Committee amendment, AM3291, 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 1138.** Placed on General File as amended.
Standing Committee amendment to LB 1138:
AM3456

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $440,000 from the State Building Fund for FY1998-99 and (2) $200,000 from the State Building Fund for FY1999-00 to the Board of Trustees of the Nebraska State Colleges, for Program 901, Peru State College Miscellaneous Renewal Projects.

The Board of Trustees is hereby authorized to complete miscellaneous projects of renewal work, as defined in section 81-173, at Peru State College with the appropriation to this program.

Sec. 2. There is hereby appropriated (1) $1,785,350 from the State Building Fund for FY1998-99 and (2) $1,785,350 from the State Building Fund for FY1999-00 to the Board of Trustees of the Nebraska State Colleges, for Program 940, Peru State College Hoyt Science Hall Renovation and Classroom Addition.

Subject to receipt of project approval from the Coordinating Commission for Postsecondary Education pursuant to subsection (10) of section 85-1414, the Board of Trustees of the Nebraska State Colleges is hereby authorized to renovate and construct a new addition to the Hoyt Science Hall at Peru State College with the appropriation to this program.

Sec. 3. Prior to consideration of a project proposal pursuant to subsection (10) of section 85-1414 and section 2 of this act, the Coordinating Commission for Postsecondary Education shall undertake and complete a study to include a review and analysis of the following elements:

(1) Role and mission of and academic offerings provided by Peru State College;

(2) Educational and service needs of students who attend Peru State College;

(3) Peru State College enrollment, retention, graduation, and related data and trends;

(4) Costs of educating students at Peru State College;

(5) Condition and utilization of current facilities and needs for renewal, renovation, and remodeling of existing facilities at Peru State College;

(6) Employment and economic development needs of southeast Nebraska;

(7) The need for a residential, public, four-year college in southeast Nebraska;

(8) The extent of services which are currently provided or which may potentially be provided in southeast Nebraska by

postsecondary educational institutions other than Peru State College;

(9) Potential modifications to the role and mission of and academic offerings provided by Peru State College;

(10) Capital and operating cost implications related to subdivision (9) of this section;

(11) Effectiveness of alternative means of academic program delivery;

(12) Impact upon other educational institutions relating to any modifications to the role and mission of and academic offerings provided by Peru State College;

(13) Statutory or other revisions which may be necessary relating to any modifications to the role and mission of and academic offerings provided by Peru State College; and

(14) A reasonable timeline and process for implementation of any modifications to the role and mission of and academic offerings provided by Peru State College.

The commission shall report its findings to the Governor and Legislature on or before December 1, 1998.

Sec. 4. There is hereby appropriated $60,000 from the General Fund for FY1997-98 to the Coordinating Commission for Postsecondary Education, for Program 640, to aid in carrying out the provisions of section 3 of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $10,000.

The unexpended balance existing on June 30, 1998, is hereby reappropriated.".

**LEGISLATIVE BILL 1199.** Indefinitely postponed.

(Signed) Roger R. Wehrbein, Chairperson

**AMENDMENT - Print in Journal**

Mr. Will filed the following amendment to LB 309:
AM3431

(Amendments to E & R amendments, AM7206)

1. Strike section 10 and insert the following new section:

"Sec. 10. Section 60-6,209, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,209. (1) Any ~~revocation of a person's~~ person whose operator's license has been revoked pursuant to sections 60-6,196, 60-6,197, and 60-6,199 to 60-6,208 for a third or subsequent time for a period of fifteen years may ~~be reduced to the time served upon application to the court if the court finds that~~ apply to the Department of Motor Vehicles, on forms prescribed by the department, requesting the department to make a recommendation to

the Board of Pardons for reinstatement of his or her operator's license. Upon receipt of the application, the Director of Motor Vehicles shall review the application if such ~~applicant~~ person has served at least ~~five~~ seven years of such revocation and make a recommendation for reinstatement or for denial of reinstatement. The department may recommend reinstatement if such person shows the following: ~~and that all of the following are shown by the applicant by a preponderance of the evidence:~~

(a) Such person ~~(1) The~~ ~~applicant~~ has completed a state-certified substance abuse program ~~of treatment for chemical dependency~~ and is recovering or such person has substantially recovered from the dependency on or tendency to abuse alcohol or drugs;

(b) Such person ~~(2) The~~ ~~applicant~~ has not been convicted, since the date of the revocation order, of any subsequent violations of section 60-6,196 or 60-6,197 or any comparable city or village ordinance and the applicant has not, since the date of the revocation order, submitted to a chemical test under section 60-6,197 that indicated an alcohol concentration in violation of section 60-6,196 or refused to submit to a chemical test under section 60-6,197;

(c) Such person has not been convicted, since the date of the revocation order, of driving while under suspension, revocation, or impoundment under section 60-4,109;

(d) Such person ~~(3) The~~ ~~applicant~~ has abstained from the excessive consumption of alcoholic beverages and the consumption of drugs except at the direction of a licensed physician or pursuant to a valid prescription; and

(e) Such person's ~~(4) The~~ ~~applicant's~~ operator's license is not currently subject to suspension or revocation for any other reason.

~~The court shall forward to the Department of Motor Vehicles a record of any application submitted under this section and the results of the court's disposition of the application.~~

(2) In addition, the department may require other evidence from such person to show that restoring such person's privilege to drive will not present a danger to the health and safety of other persons using the highways.

(3) Upon review of the application, the director shall make the recommendation to the Board of Pardons in writing and shall briefly state the reasons for the recommendations. The recommendation shall include the original application and other evidence submitted by such person. The recommendation shall also include any record of any other applications such person has previously filed under this section.

(4) The department shall adopt and promulgate rules and regulations to govern the procedures for making a recommendation to the Board of Pardons. Such rules and regulations shall include the requirement that the treatment programs and counselors who provide

information about such person to the department must be certified by the state.

(5) If the Board of Pardons reinstates such person's operator's license, such reinstatement may be conditioned for the duration of the original revocation period on such person's continued recovery. If such person is convicted of any subsequent violation of section 60-6,196 or 60-6,197, the reinstatement of the operator's license shall be withdrawn and such person's operator's license will be revoked by the Department of Motor Vehicles for the time remaining under the original revocation, independent of any sentence imposed by the court, after thirty days' written notice to the person by first-class mail at his or her last-known mailing address as shown by the records of the department.

(6) If the Board of Pardons reinstates a person's operator's license, the board shall notify the Department of Motor Vehicles of the reinstatement. Such person may have his or her operator's license reinstated by the department upon payment of a fee of ninety-five dollars and the filing of proof of financial responsibility. The fees paid pursuant to this section shall be collected by the department and remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.".

2. On page 45, line 17; and page 47, lines 18 and 24, strike "pardon" and insert "license reinstatement".

## GENERAL FILE

**LEGISLATIVE BILL 1228.** Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA552
Amend FA545
P. 2, line 13, after "occur;" add "and"; strike lines 14-21

Messrs. Robinson, Janssen, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Willhoft asked unanimous consent to be excused. No objections. So ordered.

Mrs. Kiel and Mr. Bruning 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 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 34:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Hudkins | Pederson, D. | Thompson |
| Beutler | Crosby | Janssen | Raikes | Tyson |
| Bohlke | Dierks | Jensen | Robinson | Vrtiska |
| Brashear | Elmer | Jones | Schimek | Wesely |
| Bromm | Engel | Kristensen | Schrock | Wickersham |
| Brown | Hilgert | Matzke | Stuhr | Will |
| Bruning | Hillman | Pedersen, Dw. | Suttle | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Schellpeper | Wehrbein | Witek |
| Cudaback | Preister | Schmitt | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Kiel | Lynch | Peterson, C. | Robak | Willhoft |
| Landis | Maurstad | | | |

The Chambers amendment lost with 0 ayes, 34 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Bruning and Mrs. Brown asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on the Chambers amendment.

Messrs. Schrock, Coordsen, Beutler, Will, Abboud, Engel, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to reconsider failed with 2 ayes, 10 nays, 21 present and not voting, and 16 excused and not voting.

Messrs. Robinson and Hilgert asked unanimous consent to be excused. No objections. So ordered.

Pending.

**AMENDMENTS - Print in Journal**

Mrs. Witek filed the following amendment to LB 1070:
AM3448
(Amendments to Standing Committee amendments, AM3434)

1. Strike sections 1 to 5 and 7 and insert the following new sections:

"Section 1. The Nebraska Health Infrastructure Trust Fund is created. The fund shall include the first sixty-five million dollars of (1) revenue received on or after January 1, 1998, from governmental nursing facilities participating under the requirements for payments for nursing facility services under the medical assistance program established pursuant to section 68-1018 and (2) revenue received from a settlement or judgment awarded to the State of Nebraska as a result of tobacco-related litigation for compensation for the costs of treating smoking-related illnesses. The Department of Health and Human Services Finance and Support shall remit such revenue to the State Treasurer for credit to the fund. The department shall remit any revenue received in excess of the first sixty-five million dollars from the sources listed in subdivisions (1) and (2) of this section to the State Treasurer for credit to the General Fund. The department shall administer the fund and shall adopt and promulgate rules and regulations to establish the procedures for participation by governmental nursing facilities. 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. 2. (1) The Department of Health and Human Services Finance and Support shall distribute the money in the Nebraska Health Infrastructure Trust Fund as provided in this section.

(2) The department shall:

(a) Make available for distribution the first forty million dollars placed in the fund pursuant to section 1 of this act, plus interest accruing prior to distribution, in the form of grants as provided in section 3 of this act, after deducting expenses incurred in the administration of the grants; and

(b) Allocate the next twenty-five million dollars placed in the fund pursuant to section 1 of this act, plus interest accruing prior to distribution, for the state's matching share for children's health insurance under Title XXI of the federal Social Security Act.

(3) Nothing in this section requires the department to distribute all money in the fund in any one year. The department may hold over any money in the fund to subsequent years.

Sec. 3. (1) For purposes of this section:

(a) Alternatives to nursing facility care means those services included in the program of home and community-based waiver services for aged persons or adults or children with disabilities under the medical assistance program established pursuant to section 68-1018;

(b) Conversion means (i) the remodeling of existing space and, if necessary, the construction of additional space required to accommodate assisted-living facility services or any other

alternatives to nursing facility care or (ii) new construction of an assisted-living facility or other alternative to nursing facility care if existing nursing facility beds are no longer licensed and the Department of Health and Human Services Finance and Support determines that new construction is more cost effective than the conversion of existing space; and

(c) Nursing facility means a facility licensed as a nursing facility, a skilled nursing facility, or an intermediate care facility as such terms are defined in section 71-2017.01 or a long-term care hospital or a distinct part of a hospital, as such terms are defined in section 71-2017.01, which is primarily devoted to providing the care and services enumerated in subdivision (10), (11), or (20) of section 71-2017.01, but does not include an intermediate care facility for the mentally retarded as defined in section 71-2017.01.

(2) The Department of Health and Human Services Finance and Support, with the advice of the Nursing Home Advisory Council, shall award grants for capital or one-time expenditures, including, but not limited to, startup and training expenses and operating losses for the first year, to any governmental nursing facility which has been approved for at least three years as a provider under the medical assistance program established pursuant to section 68-1018 to convert all or a portion of the facility licensed to provide such care to a licensed assisted-living facility or to any other type of alternatives to nursing facility care.

(3) During each calendar year in which grants are available from the Nebraska Health Infrastructure Trust Fund under this section, the department, with the advice of the Nursing Home Advisory Council, shall award grants to governmental nursing facilities. The department shall annually establish a calendar for receiving and evaluating proposals and awarding grants.

(4) No grant application shall be approved by the department unless the applicant can demonstrate that (a) conversion of the nursing facility or portion of the facility to an assisted-living facility or other alternatives to nursing facility care will offer efficient and economical care to individuals requiring long-term care services in the area, (b) assisted-living services or other alternatives to nursing facility care are unlikely to be available in the area for individuals eligible for services under the medical assistance program established pursuant to section 68-1018, and (c) the resulting reduction in the availability of nursing facility services is not expected to cause undue hardship on those individuals requiring nursing facility services. No grant shall be awarded unless the applicant agrees to maintain a minimum occupancy rate by individuals eligible for services under the medical assistance program established pursuant to section 68-1018.

(5) The department shall adopt and promulgate rules and

regulations which establish (a) an application process for grants, (b) criteria for nursing facilities to receive funding, including, but not limited to, minimum occupancy rates and allowable costs, (c) criteria for the rates and amounts of funding, and (d) other procedures as the department deems necessary for the proper administration of this section.

(6) This section does not create an entitlement to any funds available for grants under this section, and the department may award grants to the extent funds are available and, within its discretion, to the extent such applications are approved.

(7) The department shall provide annual reports to the Governor and the Legislature concerning grants awarded under this section. Each report shall include the number of applicants and approved applicants, an overview of the various grants awarded, and detailed reports of the cost of each project funded by a grant.".

2. Renumber the remaining sections accordingly.

Mrs. Witek filed the following amendment to LB 1070:
AM3449

(Amendments to Standing Committee amendments, AM3434)

1. Strike section 7 and insert the following new sections:

"Sec. 6. 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~~ is four and one-half percent.

Sec. 8. Sections 5, 6, and 9 of this act become operative on January 1, 1999. The other sections of this act become operative on their effective date.

Sec. 9. Original section 77-2701.02, Reissue Revised Statutes of Nebraska, is repealed.".

2. Renumber the remaining sections accordingly.

Mr. Wickersham filed the following amendment to LB 1174A:
AM3353

1. Insert the following new section:

"Sec. 9. This act becomes operative on July 1, 1998.".

2. On page 2, line 27, strike the new matter and reinstate the stricken matter.

3. On page 3, line 4, strike the new matter and reinstate the stricken matter; in line 10 strike "16", show as stricken, and insert "96"; after line 24 insert:

"The unexpended fund balances existing on June 30, 1998, are hereby reappropriated to Agency 96, Program 103. All amounts that may be encumbered during FY1997-98 under the usual encumbrance procedure by Agency 16, Program 103, are hereby transferred to Agency 96, Program 103."; and in line 27, strike "16", show as

stricken, and insert "96".

4. On page 4, after line 13 insert:

"The unexpended fund balances existing on June 30, 1998, are hereby reappropriated to Agency 96, Program 103. All amounts that may be encumbered during FY1997-98 under the usual encumbrance procedure by Agency 16, Program 103, are hereby transferred to Agency 96, Program 103.".

5. On page 14, after line 1 insert:

"The unexpended fund balances existing on June 30, 1998, are hereby reappropriated to Agency 96, Program 103. All amounts that may be encumbered during FY1997-98 under the usual encumbrance procedure by Agency 16, Program 103, are hereby transferred to Agency 96, Program 103.".

6. Renumber the remaining sections accordingly.

## NOTICE OF COMMITTEE HEARING
## Business and Labor

Thursday, March 26, 1998 12:00 noon
Jeffrey L. Orr - Nebraska Commission of Industrial Relations

(Signed) Chris Abboud, Chairperson

## MESSAGES FROM THE GOVERNOR

March 3, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 497, 33, 109, 299, 376, 629, and 834 were received in my office on February 25, 1998; and Engrossed Legislative Bills 777, 822, and 822A were received on February 27, 1998.

These bills were signed by me on March 3, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 3, 1998

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

State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

LB 369 was received in my office on February 25, 1998. The bill was signed by me on March 3, 1998 and delivered to the Secretary of State.

As stated in my message regarding LB 429 in 1993, I do not believe that the legislative process is the best means to address highly technical and complicated scope of practice issues for health care professionals. However, until professionals begin to come together to resolve these issues between themselves, the Legislature will continue to be used as the only means to resolve scope of practice issues that impact the public. It is my hope that the Legislature will also take a strong position of oversight regarding the impact of these decisions.

At my direction, an exhaustive study of Nebraska's professional regulatory system is underway within the Department of Health and Human Services Regulation and Licensure. The Credentialing Reform 2000 Project will explore ways to ensure that policy questions such as appropriate scopes of practice for health professionals are addressed primarily from the perspective of public protection and access to health care services. This study will also recommend methods by which existing regulatory processes and scope of practice incongruities can be addressed in a systematic manner.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

**AMENDMENTS - Print in Journal**

Mr. Preister filed the following amendment to LB 1075:
AM3213

1. On page 6, line 22, after the period insert "Any decrease in wages or benefits for municipal employees shall be expressed in a percentage of salary and benefits as well as in absolute dollars. Any percentage decrease ordered by the commission shall be applied by the municipality to the salaries and benefits paid to its mayor, city manager, personnel director, and person responsible for personnel decisions.".

Mr. Preister filed the following amendment to LB 1075:
AM3214

1. On page 3, line 3, strike "job positions" and insert "the job actually performed".

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 988.** Placed on Select File as amended.
E & R amendment to LB 988:
AM7212

1. On page 1, line 3, after the first semicolon insert "and"; and strike beginning with the second semicolon in line 3 through "emergency" in line 4.

(Signed) Jon C. Bruning, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 1228.** Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA555

Amend FA545

1. P. 3, line 8, strike the Bohlke amendment (AM3445, p. 857 of Journal);
2. In line 10 put a semicolon after "district", and strike remaining language through "teachers;" in line 13.

Messrs. Dierks, Jones, Maurstad, D. Pederson, Wehrbein, Mmes. Crosby, and Hillman asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA556

Amend FA545

1. In line 10 put a semicolon after "district", and strike remaining language through "teachers;" in line 13.

Messrs. Wesely, Preister, Janssen, and Bromm asked unanimous consent to be excused. No objections. So ordered.

Pending.

## AMENDMENTS - Print in Journal

Messrs. Wickersham, Schellpeper, Hartnett, and Ms. Schimek filed the following amendment to LR 45CA:
AM3486

(Amendments to AM3358)

1. Strike amendment 1 and insert the following new amendments:

"1. Strike section 2 and all amendments thereto and

insert the following new section:

'Sec. 2. At the general election in November 1998 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 XV, section 18:

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. If the proposal is a merger of one or more municipalities with one or more counties, the vote shall be tabulated in each municipality in the county or counties separately from the areas of the county or counties outside the boundaries of the municipalities. If the merger is not approved by a majority of voters voting in the election in a municipality proposed to be merged or the areas of the county or counties outside the boundaries of such municipality or municipalities, the proposed merger shall be deemed rejected. 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.".'.

2. On page 16, strike beginning with 'to' in line 6 through 'and' in line 8.".

Messrs. Coordsen, Raikes, Wickersham, Hartnett, and Schellpeper filed the following amendment to LB 989:

AM3472

(Amendments to Standing Committee amendments, AM3370)

1. On page 1, line 11, strike "and"; and in line 12 after the first "property" insert ", and any increase in valuation due to annexation".

2. On page 3, line 17, strike "or which receipts" and insert ", or gaming receipts from a local lottery which was operating before such date which"; and in line 24 strike "or" and insert "and".

3. On page 5, line 21, strike "have annexed property or" and show as stricken; in line 22 strike "the annexing unit or" and show as stricken; and in line 25 strike "or" through the period, show as stricken, and insert an underscored period.

4. On page 8, line 1; and page 15, line 2, strike "becomes", show as stricken, and insert "is".

5. On page 9, line 23, strike "forty" and insert "thirty-five".

Mr. Bromm filed the following amendment to LB 1228:
FA553

Amend FA548

Amend Section 5 by striking the words beginning in line 17, with "state" through the word "to" in line 18 and inserting "mentor teacher program shall"

Mrs. Witek filed the following amendment to LB 1228:
AM3470

(Amendments to FA547)

1. Strike section 4 and insert the following new section:

"Sec. 4. (1) The State Board of Education shall require all public school districts to report the results of district-wide standardized tests to the State Department of Education for grades four to six, seven to nine, and ten to twelve.

(2) The purpose of such reporting is to ensure school accountability for student achievement and to measure individual student progress. Currently utilized tests such as the Iowa Test of Basic Skills, California Test of Basic Skills, Metropolitan Achievement Test, or other standardized test currently being used by a school district may be utilized for such purposes.

(3) Such reporting shall include the areas of mathematics, reading, writing, science, and social studies.

(4) All public school districts shall participate in the reporting.

(5) Aggregate results for each school district shall be reported to the department. Individual scores shall not be reported to the department. School districts may also make aggregate data available based on attendance centers.".

Mrs. Witek filed the following amendment to LB 1228:
AM3441

(Amendments to Standing Committee amendments, AM3320)

1. On page 7, strike lines 14 and 15; in line 16 strike "(d)" and insert "(c)"; and in line 19 strike "(e)" and insert "(d)".

Mrs. Witek filed the following amendment to LB 1228:
AM3442

(Amendments to Standing Committee amendments, AM3320)

1. On page 10, lines 16 through 20 and 27, strike the new matter.

2. On pages 11, 12, 14, 15, and 16, strike the new matter and reinstate the stricken matter.

## VISITORS

Visitors to the Chamber were 26 fourth grade students and teacher from Cedar Hollow School, Grand Island; and Ken Miller from Rising City.

The Doctor of the Day was Matthew Glenn from Lincoln.

## ADJOURNMENT

At 5:40 p.m., on a motion by Mr. Wickersham, the Legislature adjourned until 9:00 a.m., Wednesday, March 4, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# THIRTY-SEVENTH DAY – MARCH 4, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Daryl Lauber, Bethany Christian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Landis, Robinson, Will, Mmes. Bohlke, Hudkins, and Kiel who were excused until they arrive.

**MR. COORDSEN PRESIDING**

## CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

### MOTION - Return LB 939 to Select File

Mr. Chambers moved to return LB 939 to Select File for his specific amendment, FA535, found on page 833.

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

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Chambers motion to return prevailed with 33 ayes, 9 nays, 4 present and not voting, and 3 excused and not voting.

## NOTICE OF COMMITTEE HEARING
## Education

Thursday, March 19, 1998 1:15 p.m.
Nebraska Educational Telecommunications Commission
Keith Blackledge
Dr. Frederick D. Brown

(Signed) Ardyce L. Bohlke, Chairperson

## AMENDMENT - Print in Journal

Ms. Schimek filed the following amendment to LB 1073:
AM3469

1. Insert the following new section:

"Sec. 37. 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, licensed 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.".

2. Renumber the remaining sections and correct the repealer and internal references accordingly.

## GENERAL FILE

**LEGISLATIVE RESOLUTION 45CA.** Mr. Wickersham asked unanimous consent to replace the Chambers-Wickersham pending amendment, FA536, found on page 838, with a substitute amendment. No objections. So ordered.

Messrs. Chambers and Wickersham withdrew their amendment, FA536, found on page 838.

Messrs. Wickersham, Schellpeper, Hartnett, and Ms. Schimek renewed their pending substitute amendment, AM3486, found on page 893, to the pending Revenue Committee amendment, AM3358, found on page 802 and considered on page 832.

**SPEAKER KRISTENSEN PRESIDING**

Messrs. Dierks, Schmitt, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham et al. amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers withdrew his amendment, FA538, found on page 846.

The Revenue Committee amendment, AM3358, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Chambers renewed his pending amendment, FA534, found on page 844.

Messrs. Maurstad, Coordsen, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment lost with 11 ayes, 18 nays, 13 present and not voting, and 7 excused and not voting.

Pending.

## VISITORS

Visitors to the Chamber were 9 sophomores, juniors, seniors, and sponsors from Columbus; 100 second grade students and teachers from Rousseau Elementary School, Lincoln; and 60 eighth grade students and teacher from Blair Middle School.

## RECESS

At 12:08 p.m., on a motion by Mr. Wickersham, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Coordsen, Cudaback, Dierks, Janssen, Landis, Lynch, Matzke, Preister, Robinson, Schrock, Wehrbein, Will, Messrs. Bohlke, Crosby, Hillman, Kiel, and Robak who were excused until they arrive.

**AMENDMENTS - Print in Journal**

Mr. Kristensen filed the following amendment to LB 989:
AM3467
(Amendments to Standing Committee amendments, AM3370)

1. On page 3, line 15, after the comma insert "and" and strike beginning with "gaming" in line 15 through "(e)" in line 22.

Mr. Kristensen filed the following amendment to LB 989:
AM3454
(Amendments to Standing Committee amendments, AM3370)

1. On page 1, line 13, after "(b)" insert "commencing July 1, 1999,".

2. On page 5, line 3, after "unit" insert "other than community colleges"; and in line 13 after the period insert "For all fiscal years beginning on or after July 1, 1998, and before July 1, 1999, the budget of a community college shall be subject to the operating revenue limits prescribed in section 85-1536.01. For all fiscal years beginning on or after July 1, 1999, no community college shall adopt a budget containing a total of budgeted restricted funds more than the last prior year's total of budgeted restricted funds plus allowable growth plus the basic allowable growth percentage of the base limitation established under section 12 of this act.".

3. On page 6, line 1, after "unit" insert "other than a community college"; and in lines 7 and 11 after "unit" insert ", other than a community college in fiscal years beginning on or after July 1, 1998, and before July 1, 1999,".

**MESSAGE FROM THE GOVERNOR**

March 4, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Arts Council:

APPOINTEES:
Mr. Edward Taylor, 12930 Hamilton Street, Omaha, NE 68154
Mr. Terrence J. Ferguson, 6435 Prairie Avenue, Omaha, NE 68132

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Enevoldsen, Imogene - Nebr. Coordinating Comm. for Post. Ed. -- Education

Landis, Frank E. - Nebraska Railway Council -- Transportation

Larsen, Carl - Nebraska Railway Council -- Transportation

Rasmussen, Gary - Nebraska Railway Council -- Transportation

Rebensdorf, John - Nebraska Railway Council -- Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## GENERAL FILE

**LEGISLATIVE RESOLUTION 45CA.** Mr. Chambers renewed his pending amendment, FA537, found on page 846.

Mr. Chambers withdrew his amendment.

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

Advanced to E & R for review with 28 ayes, 4 nays, 8 present and not voting, and 9 excused and not voting.

## STANDING COMMITTEE REPORT
### Transportation

**LEGISLATIVE BILL 957.** Placed on General File as amended.
Standing Committee amendment to LB 957:
AM3068

1. Strike the original sections and insert the following new sections:

"Section 1. Section 60-1901, Reissue Revised Statutes of Nebraska, is amended to read:

60-1901. (1) A motor vehicle ~~shall be deemed to be~~ is an abandoned vehicle: ~~if left unattended:~~

(a) If left unattended, with no license ~~(1) With no number~~ plates affixed thereto, for more than six hours on any

public property;

(b) If left unattended for ~~(2) For~~ more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;

(c) If left unattended for ~~(3) For~~ more than forty-eight hours, after the parking of such vehicle ~~shall have~~ has become illegal, if left on a portion of ~~a~~ any public property on which parking is legally permitted; ~~or~~

(d) If left unattended for ~~(4) For~~ more than seven days on private property if left initially without permission of the owner, or after permission of the owner ~~shall be~~ is terminated; or

(e) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under section 4 of this act.

(2) For purposes of this section:

(a) Public ~~public~~ property ~~shall mean~~ means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and

(b) Private ~~private~~ property ~~shall mean~~ means any privately owned property which is not included within the definition of public property.

(3) No motor vehicle subject to forfeiture under section 28-431 shall be an abandoned vehicle under this section.

Sec. 2. Section 60-1902, Reissue Revised Statutes of Nebraska, is amended to read:

60-1902. If an abandoned vehicle, at the time of abandonment, has no ~~number~~ license plates of the current year affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of ~~one hundred~~ two hundred fifty dollars or less, title shall immediately vest in the local authority or state agency having jurisdiction thereof as provided in section 60-1904. Any certificate of title issued under this section to the local authority or state agency ~~as defined in section 60-1904~~ shall be issued at no cost to such authority or agency.

Sec. 3. Section 60-1903, Reissue Revised Statutes of Nebraska, is amended to read:

60-1903. (1) Except for vehicles governed by section 60-1902, the local authority or state agency having custody of an abandoned vehicle shall make an inquiry concerning the last-registered owner of such vehicle as follows:

(a) Abandoned vehicle with ~~number~~ license plates affixed, to the jurisdiction which issued such ~~number~~ plates; or

(b) Abandoned vehicle with no ~~number~~ license plates affixed, to the Department of Motor Vehicles.

(2) ~~Such~~ The local authority or state agency shall notify the last-registered owner, if any, that the vehicle in question has been determined to be ~~recovered as~~ an abandoned vehicle and that, if unclaimed, either (a) it will be sold or will be offered at public auction after five days from the date such notice was mailed

or (b) title will vest in the local authority or state agency after thirty days from the date such notice was mailed. If the agency described in ~~subsection (1)~~ subdivision (1)(a) or (b) of this section also notifies ~~such~~ the local authority or state agency that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(3) Title to ~~such~~ an abandoned ~~vehicles~~ vehicle, if unclaimed, shall vest in ~~such~~ the local authority or state agency (a) five days ~~from~~ after the date the ~~such~~ notice is mailed if the vehicle will be sold or offered at public auction under subdivision (2)(a) of this section, (b) thirty days after the date the notice is mailed if the local authority or state agency will retain the vehicle, or (c) if the last-registered owner cannot be ascertained, when notice of such fact is received.

(4) After title to the abandoned vehicle vests pursuant to subsection (3) of this section, the local authority or state agency may retain for use, sell, or auction the abandoned vehicle. If the local authority or state agency has determined that the vehicle should be retained for use, the local authority or state agency shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the local authority or state agency intends to retain the abandoned vehicle for its use and that title will vest in the local authority or state agency thirty days after the publication.

Sec. 4. A state or local law enforcement agency which has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody shall deliver a letter to the last-registered owner stating that the vehicle is in the custody of the law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after thirty days the agency will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under section 28-431.

Sec. 5. Section 60-1904, Reissue Revised Statutes of Nebraska, is amended to read:

60-1904. ~~For the purposes of this section, the~~ If a state agency caused an abandoned vehicle described in subdivision (1)(e) of section 60-1901 to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in subdivision (1)(a), (b), (c), or (d) of section 60-1901 to be removed from public property, the state agency shall deliver the vehicle to the local authority which shall have custody. The local authority entitled to custody of an abandoned vehicle shall be the county in which the vehicle was abandoned~~,~~ or, if abandoned in a city or village, the city or village in which the vehicle was abandoned.

Sec. 6. Section 60-1905, Reissue Revised Statutes of Nebraska, is amended to read:

60-1905. Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the local authority or state agency shall be held by the local authority or state agency, without interest, for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, ~~such~~ the proceeds shall be paid into the general fund of ~~such~~ the local authority entitled to custody under section 60-1904 or the state General Fund if a state agency is entitled to custody under section 60-1904.

Sec. 7. Section 60-1906, Reissue Revised Statutes of Nebraska, is amended to read:

60-1906. Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle ~~shall be~~ is removed, nor the state, ~~any~~ city, ~~or~~ village, or ~~any~~ county, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the state, ~~such county or~~ city, ~~or~~ village, or county or its contractual agent, or as a result of any subsequent disposition.

Sec. 8. Section 60-1907, Reissue Revised Statutes of Nebraska, is amended to read:

60-1907. No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (1)(a), (b), (c), or (d) of section 60-1901.

Sec. 9. Section 60-1908, Reissue Revised Statutes of Nebraska, is amended to read:

60-1908. No person other than one authorized by the appropriate local authority or state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without ~~number~~ license plates affixed or which is abandoned. Anyone violating the provisions of this section shall be guilty of a Class V misdemeanor.

Sec. 10. Section 60-1909, Reissue Revised Statutes of Nebraska, is amended to read:

60-1909. The last-registered owner of an abandoned vehicle shall be liable to the local authority or state agency for the costs of removal and storage of such vehicle.

Sec. 11. Section 60-1910, Reissue Revised Statutes of Nebraska, is amended to read:

60-1910. The Director of Motor Vehicles shall adopt and promulgate rules and regulations providing for ~~prescribe by regulation~~ such forms and procedures as are necessary or desirable to effectuate the provisions of sections 60-1901 to 60-1911 and section 4 of this act. Such rules and regulations may include procedures for the removal and disposition of vehicle identification numbers of abandoned vehicles, ~~and~~ forms for local records for abandoned vehicles, and inquiries relating to ownership of such vehicles.

Sec. 12. Section 60-1911, Reissue Revised Statutes of Nebraska, is amended to read:

60-1911. ~~Any~~ Except as provided in section 60-1908, any person violating the provisions of sections 60-1901 to 60-1911 and section 4 of this act shall be guilty of a Class II misdemeanor.

Sec. 13. Original sections 60-1901 to 60-1911, Reissue Revised Statutes of Nebraska, are repealed.".

(Signed) Curt Bromm, Chairperson

## AMENDMENT - Print in Journal

Mrs. Bohlke filed the following amendment to LB 320A:
AM3389

1. On page 2, line 1, strike "$98,860" and insert "$89,890"; in line 3 strike "$87,560" and insert "$90,648"; and in line 9 strike "$29,012" and insert "$22,888" and strike "$50,853" and insert "$38,269".

## GENERAL FILE

**LEGISLATIVE BILL 1228.** Mr. Chambers withdrew his amendment, FA556, found on page 893.

Mrs. Bohlke offered the following amendment to the pending first Standing Committee amendment, FA545, found on page 867:
AM3499

(Amendments to FA545)

1. On page 1, line 21, strike "all" and insert "at least four".

2. On page 2, line 13, after the underscored semicolon insert "and"; and strike beginning with "Each" in line 14 through "(d)" in line 22.

3. On page 3, strike beginning with "Each" in line 7 through line 13 and insert "Each first-year teacher in a local system is provided with a mentor participating in the mentor teacher program pursuant to section 5 of this act or a mentor teacher program established by a district in the local system and approved by the state board;" and in line 16 after "percent" insert "; and

(e) An approved program for learners with high ability pursuant to sections 79-1106 to 79-1108 is available to every student identified as a learner with high ability in the local system".

Messrs. Hartnett and Abboud 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, 1 nay, and 23 not voting.

The Bohlke amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

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

Mrs. Bohlke offered the following amendment to the first Standing Committee amendment:
AM3518

(Amendments to AM3499)

1. On page 1, line 11, after "board" insert "and there is at least one first-year teacher in the local system"; and in line 16 after "system" insert "and there is at least one learner with high ability identified in the local system".

The Bohlke amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Brown and Mr. Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hudkins, Messrs. Raikes, and Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

**MR. BRASHEAR PRESIDING**

The first Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Pending.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 1035.** Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 1228.** The second Standing Committee amendment

is as follows:
FA548

Sec. 5. The State Board of Education shall develop a mentor teacher program to provide ongoing support for individuals entering the teaching profession. In developing the program, the state board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through a program of orientation and mentor support. The state board also shall develop and coordinate mentor teacher training to be funded by the Education Innovation Fund pursuant to subsection (2) of section 9-812 and shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants. The state board shall report to the Legislature on or before December 1, 1998, on its progress in implementing this section.

Mr. Bromm renewed his pending amendment, FA553, found on page 895, to the second Standing Committee amendment.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Bromm amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The second Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 3 present and not voting, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 20.** Indefinitely postponed.
**LEGISLATIVE BILL 176.** Indefinitely postponed.
**LEGISLATIVE BILL 181.** Indefinitely postponed.
**LEGISLATIVE BILL 198.** Indefinitely postponed.
**LEGISLATIVE BILL 276.** Indefinitely postponed.
**LEGISLATIVE BILL 296.** Indefinitely postponed.
**LEGISLATIVE BILL 492.** Indefinitely postponed.
**LEGISLATIVE BILL 496.** Indefinitely postponed.
**LEGISLATIVE BILL 668.** Indefinitely postponed.
**LEGISLATIVE BILL 916.** Indefinitely postponed.
**LEGISLATIVE BILL 920.** Indefinitely postponed.
**LEGISLATIVE BILL 931.** Indefinitely postponed.

**LEGISLATIVE BILL 980.** Indefinitely postponed.
**LEGISLATIVE BILL 1131.** Indefinitely postponed.
**LEGISLATIVE BILL 1155.** Indefinitely postponed.
**LEGISLATIVE BILL 1185.** Indefinitely postponed.
**LEGISLATIVE BILL 1252.** Indefinitely postponed.
**LEGISLATIVE BILL 1260.** Indefinitely postponed.
**LEGISLATIVE BILL 1292.** Indefinitely postponed.
**LEGISLATIVE BILL 1296.** Indefinitely postponed.
**LEGISLATIVE BILL 1361.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 62CA.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

## AMENDMENT - Print in Journal

Mr. Preister filed the following amendment to LB 395:
AM3462

(Amendments to Standing Committee amendments, AM1138)

1. On page 3, line 18, strike beginning with "actions" through "actual" and insert "violations which would likely result or have resulted in a".

2. On page 5, line 3, after "in" insert "or have resulted in".

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 1228.** The third Standing Committee amendment is as follows:
FA547

Sec. 4. (1) The State Board of Education shall implement a statewide testing program for students in a selected grade in each of the grade ranges four through six, seven through nine, and ten through twelve each fall semester beginning with the fall of 2000. The testing program shall consist of one test purchased from a recognized testing service which tests students in the areas of mathematics, reading, science, and social studies, plus one writing test, either developed within the state by educators with expertise in writing assessment or purchased as a part of the test for the other specified subjects.

(2) The purposes of the testing program are to:

(a) Evaluate whether or not students in a school system have acquired skills and knowledge which allow them to meet or exceed academic standards established by the state board;

(b) Measure progress of students in a school system toward meeting academic standards established by the state board;

(c) Provide information for analysis of adopted standards and consideration of new standards;

(d) Allow comparisons to be made between the academic achievement of students in a local system and students in another Nebraska local system; and

(e) Allow comparisons to be made between the academic achievement of Nebraska students with the academic achievement of students in other states.

(3) All public school districts shall participate in the testing, and all students enrolled in the designated grade levels in such districts shall be tested except as provided in this subsection. The state board shall establish criteria that schools may use to exempt special education students from testing in any or all subject areas. The state board may also adopt alternative tests or means of scoring for special education students and students with limited English proficiency.

(4) The individual test scores shall be confidential, shall be reported to the school district for educational purposes, and shall not be reported to the State Department of Education. Aggregate results for each school district shall be reported to the department by the testing service and writing test scorers. School districts may also make aggregate data available based on attendance centers.

(5) The department shall be responsible for the cost of the test materials and scoring.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek renewed her pending amendment, AM3470, found on page 895, to the third Standing Committee amendment.

Messrs. Hilgert, Dierks, Preister, Schellpeper, and Mrs. Stuhr asked unanimous consent to be excused. No objections. So ordered.

The Witek amendment lost with 2 ayes, 11 nays, 18 present and not voting, and 18 excused and not voting.

Pending.

## VISITORS

Visitors to the Chamber were 30 kindergarten through eleventh grade students from Home School Network of Westside Church, Omaha.

The Doctor of the Day was Dorothy Zink from Omaha.

## ADJOURNMENT

At 5:28 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

## THIRTY-EIGHTH DAY – MARCH 5, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 5, 1998

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Kristensen presiding.

### PRAYER

The prayer was offered by Elder Coleman, Church of Jesus Christ Latter Day Saints, Lincoln, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Bromm, Chambers, Hartnett, Hilgert, Landis, Lynch, Matzke, Dw. Pedersen, Robinson, Wehrbein, Wesely, Will, Mmes. Bohlke, Kiel, Robak, and Witek who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

### UNANIMOUS CONSENT - Member Excused

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

### SELECT FILE

**LEGISLATIVE BILL 404A.** Mrs. Hudkins renewed the Dw. Pedersen pending amendment, AM3373, found on page 811.

The Dw. Pedersen amendment was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 320A.** Mrs. Bohlke renewed her pending amendment, AM3389, found on page 905.

The Bohlke amendment was adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

Advanced to E & R for engrossment.

## GENERAL FILE

**LEGISLATIVE BILL 1010.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

**LEGISLATIVE BILL 1191.** Title read. Considered.

Standing Committee amendment, AM3180, found on page 685, was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 1193.** Title read. Considered.

Mr. Dierks offered the following amendment:
AM3533
1. On page 2, strike lines 19 and 20.

The Dierks amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

**LEGISLATIVE BILL 1228.** The third Standing Committee amendment, FA547, found on page 908, was renewed.

The third Standing Committee amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The fourth Standing Committee amendment is as follows:
FA546
Sec. 3. (1) The State Board of Education shall require and provide a financial reporting system for all kindergarten through grade twelve local systems as defined in section 79-1003 beginning with the 1999-00 school fiscal year. The reporting system shall:
(a) Provide for standardization and uniformity in the

classification of all receipts and expenditures as a basis for preparing financial reports;

(b) Report all receipts and disbursements to the public and the State Department of Education in a consistent format that easily explains to taxpayers how education funds are spent and where the funds are generated for the state, each local system, and each attendance center;

(c) Be adaptable to changing requests for information;

(d) Be provided in an electronic format;

(e) Provide for the inclusion of Class I school district data with the data of its primary high school district in a manner which allows for analysis of the data for the Class I district and the primary high school district separately and as an aggregate;

(f) Provide for electronic filing of reports with the department and the Auditor of Public Accounts;

(g) Provide for electronic access to reports as filed; and

(h) Maintain compatibility with existing accounting systems.

The department shall by rule and regulation prescribe the format and content of financial reports which are to be filed or made available to the patrons of each system.

(2) The financial reporting system may be purchased from a private vendor or developed by the department after a cost analysis of each alternative.

(3) The department shall provide periodic training to appropriate school district and educational service unit personnel on using the financial reporting system and interpreting the resulting data and reports. The department shall also provide periodic training for school board members and interested members of the public on the capabilities of the reporting system and interpretation of data and reports.

(4) The department and each local system shall provide defined financial reports to the media and other interested parties. The state aggregate information shall also be available on a statewide public computer information network. Districts and local systems may provide additional financial reports and data generated by the financial reporting system.

**MR. VRTISKA PRESIDING**

Messrs. Maurstad, Robinson, Mrs. Brown, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

**AMENDMENTS - Print in Journal**

Mmes. Suttle and Thompson filed the following amendment to LB 1073:
AM3144

(Amendments to Standing Committee amendments, AM2955)

1. Insert the following new sections:

"Section 1. The Governor shall commission a study of the state's juvenile justice system for the purposes of determining future legislative and executive actions necessary to address gaps in the organization and delivery of juvenile services. The study shall:

(1) Assess the progress of current juvenile services initiatives and their impact on improving service delivery;

(2) Develop a current detailed description of the number, characteristics, and needs of juvenile offenders and at-risk youth;

(3) Inventory current placement and service resources, including resources for drug treatment, treatment of sexual offenders, and secure confinement of serious offenders and make recommendations in regard to needed expansion of service capacity;

(4) Examine current statutes and make recommendations in regard to updating and streamlining laws pertaining to adjudication and disposition of juvenile offenders;

(5) Review promising programs and recommend strategies for implementing community-based diversion and early intervention programs designed to minimize depth and duration of juvenile offenders' penetration into the juvenile justice system;

(6) Review and make recommendations concerning the codification of an approach using graduated sanctions in intervening with juvenile offenders; and

(7) Explore opportunities to eliminate fragmentation within the juvenile justice system and recommend strategies to move toward a unified system of care for juvenile offenders and their families.

Sec. 2. The Governor shall assign the study described in section 1 of this act to a task force consisting of the Commissioner of Education, the superintendent of the Nebraska Correctional Youth Facility, the Director of Policy Research, the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, the probation administrator of the Office of Probation Administration, and the administrators of the protection and safety division of the Department of Health and Human Services. The Governor shall also appoint six additional persons to serve on the task force from the private and public sectors representing key juvenile justice system stakeholders, county officials, juvenile advocacy groups, service providers, and consumers. The Governor shall also appoint two members of the Legislature to serve on the task force. The appointments to the task force shall be made no later than May 15, 1998. The Governor shall appoint the chairperson of the task force from the membership.

Sec. 3. The task force created under section 2 of this act may gather information from interested parties through public hearings and other appropriate means to assure ample opportunities for outside input to be received for consideration. The task force shall complete its work and issue a final report outlining its findings and recommendations to the Governor and Legislature by December 1, 1998. The Department of Health and Human Services will provide administrative support to the task force and shall be responsible for production and distribution of the final report. Members shall be reimbursed for their actual and necessary expenses incurred while serving as a member of the task force as provided in sections 81-1174 to 81-1177.

Sec. 4. It is the intent of the Legislature that any money appropriated by the Legislature for the study described in section 1 of this act shall be appropriated to the Department of Health and Human Services.

Sec. 5. Sections 5 to 17 of this act shall be known and may be cited as the Court Appointed Special Advocate Act.

Sec. 6. The Legislature finds that quality representation for children requires both legal expertise and thorough investigation and monitoring. Trained volunteers are a valuable resource for children who are the subjects of child protection cases or other matters in the legal system. Cooperation between attorneys and volunteers can enhance the quality of representation for children. The purposes of the Court Appointed Special Advocate Act are to promote the exercise of responsible citizenship by authorizing trained community volunteers to become advocates for children and to enhance the community's response to the needs of children in the legal system.

Sec. 7. For purposes of the Court Appointed Special Advocate Act, juvenile court means the separate juvenile court in counties where it has been established under sections 43-2,111 to 43-2,127 or the county court sitting as a juvenile court in all other counties.

Sec. 8. A court appointed special advocate program is a community-based organization which recruits, screens, trains, and supervises volunteers to advocate for the best interests of children who come into the juvenile courts primarily as a result of abuse or neglect. Volunteers who are appointed by the court through such programs are court appointed special advocates.

A court appointed special advocate program shall be certified by the Nebraska Court Appointed Special Advocate Association and shall adhere to the standards and guidelines established by the association and by the juvenile courts.

Sec. 9. (1) A court appointed special advocate volunteer shall complete preservice training and shall be sworn in as an officer of the court by a juvenile court judge before beginning assignment to a case. The volunteer shall assume the rights and responsibilities of an officer of the court and shall act

consistently with applicable court rules.

(2) The judge may appoint a volunteer for any child alleged to be a juvenile as described in section 43-247, but a volunteer shall be appointed primarily for a child alleged to be a juvenile as described in subdivision (3)(a) of section 43-247. At the discretion of the judge, a volunteer may be a party of record to the action. To appoint a volunteer, the juvenile court judge shall sign an order of appointment which grants the volunteer the authority to review all relevant documents and interview all parties involved in the case, including parents and other parties in interest, as well as others having significant information in relation to the child.

(3) A volunteer may be assigned at any stage of the court proceedings. The appointment of a volunteer ends at the discretion of the judge or when the court's jurisdiction over the child terminates.

(4) Each juvenile court may be served by a court appointed special advocate program. One program may serve more than one juvenile court.

Sec. 10. (1) Court appointed special advocate volunteers shall be at least twenty-one years of age, have demonstrated an interest in children and their welfare, and be willing to commit to the juvenile court for a minimum of one year of service to a child. Qualified adults shall not be discriminated against based upon gender, socioeconomic, religious, racial, ethnic, or age factors.

(2) The court appointed special advocate program in each jurisdiction shall enact regulations consistent with the Nebraska Court Appointed Special Advocate Association standards and guidelines governing qualifications of volunteers. Such regulations shall include provisions that all volunteer applicants complete an application, participate in a screening interview, participate in training, and meet other qualifications as determined by the association and the presiding judge of the juvenile court.

Sec. 11. (1) As required background screening, the program director shall obtain the following information regarding a volunteer applicant:

(a) A check of the applicant's criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol;

(b) A check of his or her record with the state Abused or Neglected Child Registry;

(c) A check of his or her driving record; and

(d) At least three references who will attest to the applicant's character, judgment, and suitability for the position of a court appointed special advocate volunteer.

(2) If the applicant has lived in Nebraska for less than twelve months, the program director shall obtain the records required in subdivisions (1)(a) through (1)(c) of this section from

all other jurisdictions in which the applicant has lived during the preceding year.

Sec. 12. All court appointed special advocate volunteers shall participate in preservice training, including instruction on the dynamics of child abuse and neglect, cultural awareness, child development, the juvenile court process, permanency planning, volunteer roles and responsibilities, advocacy, and information gathering and documentation. Volunteers shall participate in observation of juvenile court proceedings prior to appointment. Each volunteer shall have a minimum of ten hours of inservice training per year provided by the court appointed special advocate program.

Sec. 13. (1) A court appointed special advocate volunteer shall conduct an independent investigation regarding the best interests of the child and shall provide factual information to the court regarding the child which he or she is appointed to serve. This investigation shall include interviews with and observations of the child, interviews with other appropriate individuals, and a review of relevant records and reports. The volunteer shall determine if a permanent plan has been created for the child, whether appropriate services are being provided to the child and family, and whether the case plan is progressing in a timely manner.

(2) The court appointed special advocate volunteer shall formulate recommendations consistent with the best interests of the child regarding placement, visitation, and appropriate services for the child and family. The volunteer shall assure that the child's best interests are being represented at every stage of the case and shall prepare written reports of his or her recommendations which shall be distributed pursuant to the court guidelines. The volunteer shall monitor cases to which he or she is appointed to assure that the child's needs are being met and that the terms of the juvenile court's orders are fulfilled in an appropriate and timely manner.

Sec. 14. (1) The court appointed special advocate volunteer shall attend the court hearings and may be called as a witness in the proceedings of a case to which he or she is appointed by any party or by the court.

(2) A volunteer shall have no association which creates a conflict of interest with duties as a court appointed special advocate volunteer. The volunteer shall not (a) be related to any party or attorney involved in a case, (b) be employed in a position or with an agency when such employment might result in a conflict of interest or give rise to the appearance of conflict, or (c) use the position to seek or accept gifts or special privileges for himself or herself or others.

Sec. 15. Any attorney or guardian ad litem and all state and local government and community agencies shall cooperate with the court appointed special advocate volunteer appointed to serve

on a case and shall cooperate with the court appointed special advocate program to facilitate the implementation of the program. In a case utilizing the services of both a volunteer and a guardian ad litem, both the volunteer and the guardian ad litem shall cooperate to represent the best interests of the child. The volunteer shall be notified in a timely manner of hearings, meetings, or other proceedings concerning the case to which he or she is appointed.

Sec. 16. All information pertaining to the case and obtained by the court appointed special advocate volunteer shall be considered confidential. The volunteer shall not disclose to persons other than the court or persons authorized by the court the contents of any document, record, or other case-related information which is discovered in the course of his or her investigation.

Sec. 17. Those program directors, supervisors, staff, and members of boards of directors of the court appointed special advocate programs and court appointed special advocates who are participating in a court appointed special advocate program on a volunteer basis shall not be civilly liable for acts or omissions committed in connection with the duties which are a part of the program except to the extent provided in Public Law 105-19.

Sec. 25. Section 43-272, Reissue Revised Statutes of Nebraska, is amended to read:

43-272. (1) When any juvenile shall be brought without counsel before a juvenile court, the court shall advise such juvenile and his or her parent or guardian of their right to retain counsel and shall inquire of such juvenile and his or her parent or guardian as to whether they desire to retain counsel. The court shall inform such juvenile and his or her parent or guardian of such juvenile's right to counsel at county expense if none of them is able to afford counsel. If the juvenile or his or her parent or guardian desires to have counsel appointed for such juvenile, or the parent or guardian of such juvenile cannot be located, and the court ascertains that none of such persons are able to afford an attorney, the court shall forthwith appoint an attorney to represent such juvenile for all proceedings before the juvenile court, except that if an attorney is appointed to represent such juvenile and the court later determines that a parent of such juvenile is able to afford an attorney, the court shall order such parent or juvenile to pay for services of the attorney to be collected in the same manner as provided by section 43-290. If the parent willfully refuses to pay any such sum, the court may commit him or her for contempt, and execution may issue at the request of the appointed attorney or the county attorney or by the court without a request.

(2) The court, on its own motion or upon application of a party to the proceedings, shall appoint a guardian ad litem for the juvenile: (a) If the juvenile has no parent or guardian of his or her person or if the parent or guardian of the juvenile cannot be

located or cannot be brought before the court; (b) if the parent or guardian of the juvenile is excused from participation in all or any part of the proceedings; (c) if the parent is a juvenile or an incompetent; (d) if the parent is indifferent to the interests of the juvenile; or (e) in any proceeding pursuant to the provisions of subdivision (3)(a) of section 43-247.

A guardian ad litem shall have the duty to protect the interests of the juvenile for whom he or she has been appointed guardian, and shall be deemed a parent of the juvenile as to those proceedings with respect to which his or her guardianship extends.

(3) Except in cases when there are special reasons why a particular layperson would be the most appropriate guardian ad litem for the juvenile, the court shall appoint an attorney as guardian ad litem or a court appointed special advocate volunteer as a guardian ad litem, or both a guardian ad litem and a court appointed special advocate volunteer. A guardian ad litem who is an attorney shall act as his or her own counsel and as counsel for the juvenile, unless there are special reasons in a particular case why the guardian ad litem or the juvenile or both should have counsel in addition to the guardian ad litem. In such cases and in cases when the guardian ad litem or court appointed special advocate volunteer appointed by the court is not an attorney, the guardian ad litem or court appointed special advocate volunteer shall have the right to counsel, except that the guardian ad litem or court appointed special advocate volunteer shall be entitled to appointed counsel without regard to his or her financial ability to retain counsel. Whether such appointed counsel shall be provided at the cost of the county shall be determined as provided in subsection (1) of this section.".

2. On page 38, line 24, after the first comma insert "43-272,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen filed the following amendment to LB 395:
AM3222

(Amendments to Standing Committee amendments, AM1138)

1. On page 7, line 5 strike "showing" and insert "pursuant to the following schedule"; strike lines 6 through 10 and insert:

"(1) Within thirty days after knowledge of the information disclosed was obtained by the person, the date of discovery of the possible violation and, if known, the date the possible violation occurred;

(2) Within forty-five days after knowledge of the information disclosed was obtained by the person, a description of the possible violation; and

(3) Within sixty days after knowledge of the information disclosed was obtained by the person, actions taken to correct the

possible violation and, if applicable, a schedule to achieve compliance."; and in lines 16 and 17 strike "within" through "person" and insert "pursuant to the schedule set forth in section 10 of this act".

Messrs. Coordsen, Hartnett, Wickersham, Raikes, and Schellpeper filed the following amendment to LB 1333:
AM3487

(Amendments to Standing Committee amendments, AM3177)

1. On page 3, line 7; page 4, line 20; page 7, lines 18 and 25; page 10, line 27; page 11, lines 9, 12, 21, and 23; and page 12, line 23, before "seven" insert "and including".

2. On page 5, line 27, strike "Seven tons and over" and insert "Over seven tons".

3. On page 10, line 25, strike "five", show as stricken, and insert "and including seven".

4. On page 11, line 18, strike "$20", show as stricken, and insert "$10".

5. On page 12, strike lines 12 through 17 and show as stricken; in line 18 strike "(12)", show as stricken, and insert "(11)"; and in line 22 strike "(13)", show as stricken, and insert "(12)".

Messrs. Matzke and Wickersham filed the following amendment to LB 1193:
FA557

strike the word "Trust" from Page 2, Lines 4, 8, 14, 18 and Page 3, Lines 1, 4, 28 and Page 4, Line 9

Mr. Landis filed the following amendment to LB 1015:
AM3525

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. Section 25-1563.01, Reissue Revised Statutes of Nebraska, is amended to read:

25-1563.01. In bankruptcy and in the collection of a money judgment, the following benefits shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors: To the extent reasonably necessary for the support of the debtor and any dependent of the debtor, an interest held under a stock bonus, pension, profit-sharing, or similar plan or contract payable on account of illness, disability, death, age, or length of service unless:

(1) Within two years prior to bankruptcy or to entry against the individual of a money judgment which thereafter becomes final, such plan or contract was established or was amended to increase contributions by or under the auspices of the individual or of an insider that employed the individual at the time the individual's rights under such plan or contract arose; or

(2) Such plan or contract does not qualify under section 401(a), 403(a), 403(b), ~~or~~ 408, or 408A of the Internal Revenue Code.

For purposes of this section, unless the context otherwise requires, insider shall have the meaning provided in 11 U.S.C. 101. ~~(31).~~".

2. On page 1, lines 1 and 2; and page 3, line 1, strike "section 21-1916" and insert "sections 21-1916 and 25-1563.01".

3. Renumber the remaining sections accordingly.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Ferguson, Mr. Terrence J. - Nebraska Arts Council -- General Affairs

Taylor, Edward - Nebraska Arts Council -- General Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## GENERAL FILE

**LEGISLATIVE BILL 1228.** Mr. Bromm offered the following amendment to the fourth Standing Committee amendment:
AM3543

(Amendments to FA546)

1. Strike section 3 and insert the following new section:

"Sec. 3. The State Department of Education shall by December 1, 1998, provide a plan to the Legislature for a uniform financial reporting system for all kindergarten through grade twelve local systems as defined in section 79-1003.

The plan for the uniform financial reporting system shall:

(1) Emphasize a consistent format;

(2) Be useful in identifying expenditures and revenue for each local system;

(3) Allow for easy comparison of financial reports between local systems;

(4) Be adaptable to changing requests for information;

(5) Provide for the inclusion of Class I school district data with the data of its primary high school district in a manner which allows for analysis of the data for the Class I district and the primary high school district separately and as an aggregate; and

(6) Be provided in a format that is easy for the taxpayer to understand and make comparisons.".

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

**SPEAKER KRISTENSEN PRESIDING**

Mr. Elmer 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 1333A.** 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 1333, Ninety-fifth Legislature, Second Session, 1998.

## AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 1041:
FA558

Amend AM3050

1. Page 34, line 12, strike the period and add ", but priority shall be given to preserving and unifying the family."
2. Page 41, line 2 and page 42, line 25, strike "or voluntary manslaughter".
3. Page 43, line 2, add "The fact that a qualified family for an adoption of the juvenile has been identified, recruited, processed and approved, shall have no bearing whatsoever on the determination of whether parental rights shall be terminated."
4. Page 42, line 19, after "months", insert "but the bare fact of incarceration standing alone, shall not be the sole basis for filing or granting a petition to terminate parental rights."
5. Page 54, line 1, after "likely", insert "based upon facts developed as a result of the investigation.".
6. Page 54, line 2, strike "referral for adoption and", and after "rights", insert "and referral for adoption".
7. Page 54, line 13, strike "and the state will file", and insert "after the state has filed".

## VISITORS

Visitors to the Chamber were Elders Greene, Snider, Perkins, Lindhardt, Davies, Westbroek, Gamble, Fenn, and Hardesty, Sisters Stewart and Tipton, missionaries from the Church of Jesus Christ of Latter Day Saints; Senator Janssen's son and grandchildren, Mike, Elly, and Emily Janssen, and Norm

and Morgan Svoboda from Blair; George and Sandra Lyons from Stromsburg, and Valentina Musso from Italy; 20 fourth grade students and teacher from Prescott Elementary School, Lincoln; 84 sixth, seventh, and eighth grade students and teachers from Horizon Middle School and Sunrise Middle School, Kearney; and Dan Bontrager, Adam Petersen, Christopher and Anneke Gustafson, Aaron Nelson, and Nick Thorson from Mead.

## RECESS

At 11:57 a.m., on a motion by Mr. Wickersham, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Dierks, Landis, Matzke, Preister, Robinson, Schrock, Tyson, Wesely, Will, Mmes. Kiel, C. Peterson, Suttle, and Ms. Schimek who were excused until they arrive.

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 320A and 404A.

### Enrollment and Review Change to LB 404A

The following changes, required to be reported for publication in the Journal, have been made:
ER9125
1. On page 1, line 3, "First Session, 1997" has been struck and "Second Session, 1998" inserted.

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
## Business and Labor

**LEGISLATIVE BILL 1362.** Placed on General File as amended.
Standing Committee amendment to LB 1362:
AM3516
1. On page 3, after line 18 insert
"Claim No. 92-132, against the Department of Social
Services, pay to Clerk of the District Court of

Frontier County, Nebraska, P. O. Box 40, Stockville, NE 69042-0040, out of the General Fund 518,843.00
Claim No. 92-133, against the Department of Social Services, pay to Clerk of the District Court of Frontier County, Nebraska, P. O. Box 40, Stockville, NE 69042-0040, out of the General Fund 225,886.00
Claim against the Legislature, pay to Gus Pick, Hartington, NE 68739, out of the General Fund 12,000";
in line 23 strike "12,769.36" and insert "769,498.36"; and in line 25 strike "62,769.36" and insert "819,498.36".

(Signed) Chris Abboud, Chairperson

**Natural Resources**

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Game and Parks Commission
Robert Coupland

Nebraska Power Review Board
Rick A. Morehouse

Nebraska Ethanol Board
J. Patrick Hillebrandt

VOTE: Aye: Senators Beutler, Bromm, Bohlke, Bruning, Elmer, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Chris Beutler, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1228.** Mr. Bromm withdrew his amendment, AM3543, found on page 921.

Mr. Bromm and Mrs. Bohlke offered the following amendment to the pending fourth Standing Committee amendment, FA546, found on page 912:
AM3547

(Amendments to FA546)

1. On page 5, line 8, strike "(1) The State Board" and insert "The School Finance Review Committee with assistance from the State Department"; in lines 8 and 9 strike "require and provide" and insert "complete a feasibility study and make recommendations for"; in line 11 strike "beginning" through "year" and insert "and report to the Education Committee of the Legislature by December 1, 1998"; in line 13 strike "(a)" and insert "(1)"; in line 16 strike "(b)" and insert "(2)"; in line 21 strike "(c)" and insert "(3)"; in line 22 strike "(d)" and insert "(4)"; in line 23 strike "(e)" and insert "(5)"; and in line 27 strike "(f)" and insert "(6)".

2. On page 6, line 2, strike "(g)" and insert "(7)"; in

line 4 strike "(h)" and insert "(8)"; and strike lines 6 through 24.

Messrs. Maurstad and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The Bromm-Bohlke amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

The fourth Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

The fifth Standing Committee amendment is as follows:
FA549

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 Quality Education Accountability Act.

Sec. 6. The State Department of Education shall adopt and promulgate rules and regulations to carry out the Quality Education accountability Act.

Sec. 7. Section 9-812, Reissue Revised Statutes of Nebraska, is amended to read:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Cash Fund. In accordance with legislative appropriations, money for payments for expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Cash Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. At least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred from the State Lottery Operation Trust Fund to the Education Innovation Fund, ~~the Solid Waste Landfill Closure Assistance Fund,~~ the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. ~~Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five~~

~~percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. After July 1, 1997, forty-nine~~ Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in sections 83-162.01 to 83-162.04.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated in the following order of priority: First, up to ten percent to mentor teacher training pursuant to the Quality Education Accountability Act; next, as quality education incentives pursuant to the act; and any money remaining in the fund after such allocations shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such incentive grants allocated by the Governor are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

~~Minigrants~~ From the funds allocated by the Governor, minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

In addition to the minigrants granted for the development of strategic school improvement plans, school districts with annual budget expenditures of three hundred fifty thousand dollars or less are eligible for minigrants from the funds allocated by the Governor for the purposes allowed in subdivisions (2)(a) through (q) of this section. The amount of this type of minigrant shall not exceed five thousand dollars. The school district shall present a curriculum support plan with its application for the grant. The curriculum support plan must show how the district is working to achieve one or more of the allowed purposes and how the grant will be used to directly advance the plan to achieve one or

more of these purposes. The plan must be signed by the school administrator and a school board representative. The application for the grant shall be brief. The Excellence in Education Council shall select the recipients of this type of minigrant and shall administer such minigrants.

~~Major~~ From the funds allocated by the Governor, major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which ~~incentives~~ such major competitive grants would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration pursuant to the state's goal of ensuring that all kindergarten through grade twelve public school districts or affiliated school systems have a direct connection to a statewide public computer information network by June 30, 2000. The telecomputing equipment and services needed to meet this goal may be funded under this subsection, sections 79-1233 and 79-1310, or any combination of such subsection and sections. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood and parent education which emphasizes child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time;

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom;

(p) Approved programs or services under sections 79-1106 to 79-1108; and

(q) Programs for students with disabilities receiving special education under the Special Education Act and students needing support services as defined in section 79-1185, which programs demonstrate improved outcomes for students through emphasis on prevention and collaborative planning.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of incentive grants allocated by the Governor for programs pursuant to this subsection, including minigrants;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by incentive grants allocated by the Governor from the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; ~~and~~

(vi) Carry out its duties pursuant to the Quality Education Accountability Act; and

(vii) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund.

(3) Recipients. of incentive grants allocated by the Governor from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, or the Education Innovation 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) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.

Sec. 8. Original section 9-812, Reissue Revised Statutes of Nebraska, is repealed.".

Mrs. Witek renewed her pending amendment, AM3442, found on page 895, to the fifth Standing Committee amendment.

Mrs. Witek requested a record vote on her amendment.

Voting in the affirmative, 7:

| | | | | |
|---|---|---|---|---|
| Bromm | Jones | Schmitt | Will | Witek |
| Chambers | Kristensen | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hillman | Landis | Peterson, C. | Thompson |
| Crosby | Hudkins | Matzke | Schimek | Wickersham |
| Elmer | Janssen | Pederson, D. | Suttle | Willhoft |

Present and not voting, 17:

| | | | | |
|---|---|---|---|---|
| Brashear | Cudaback | Jensen | Raikes | Stuhr |
| Brown | Engel | Lynch | Robak | Vrtiska |
| Bruning | Hartnett | Pedersen, Dw. | Schellpeper | Wehrbein |
| Coordsen | Hilgert | | | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Maurstad | Robinson | Tyson |
| Beutler | Kiel | Preister | Schrock | Wesely |

The Witek amendment lost with 7 ayes, 15 nays, 17 present and not voting, and 10 excused and not voting.

Mr. Bromm offered the following amendment to the fifth Standing Committee amendment:
FA559
Amend FA549
on page 10, line 17, strike "mentor teacher training" and insert "fund the mentor teacher program"

The Bromm amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The fifth Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mrs. Witek withdrew her amendment, AM3441, found on page 895.

**MR. VRTISKA PRESIDING**

Advanced to E & R for review with 32 ayes, 3 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 989.** Title read. Considered.

Standing Committee amendment, AM3370, printed separately and referred to on page 847, was considered.

Mr. Kristensen withdrew his amendment, AM3396, found on page 855.

Messrs. Coordsen, Raikes, Wickersham, Hartnett, and Schellpeper renewed their pending amendment, AM3472, found on page 894, to the Standing Committee amendment.

The Coordsen et al. amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM3454, found on page 900, to the Standing Committee amendment.

Messrs. Brashear and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen withdrew his amendment.

Mr. Kristensen renewed his pending amendment, AM3467, found on page 900, to the Standing Committee amendment.

Mr. Kristensen moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Kristensen amendment was adopted with 32 ayes, 7 nays, 8 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

## AMENDMENT - Print in Journal

Mrs. Crosby filed the following amendment to LB 1129:
AM3296

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new sections:

"Sec. 8. The Governor's Residence Advisory Commission is created. The commission shall conduct an inspection of the Governor's residence in June of each year. A report on the inspection shall be submitted to the Governor within thirty days after the day of the inspection. The report shall include recommendations for major maintenance or repair projects, if needed. Implementation and priority of an approved major maintenance or repair project shall be determined by the Governor in cooperation with the Director of Administrative Services. Additionally, no changes, additions, deletions, or other alterations to the residence, including its exterior, interior, decorative objects, contents, or grounds shall be made without the prior approval of the commission, except for the Governor's private living quarters located on the second floor of the residence.

Sec. 9. The Governor's Residence Advisory Commission consists of the following members: (1) The Governor's spouse; (2)

the Director of Administrative Services or his or her designee; (3) the Administrator of the Task Force For Building Renewal; (4) six at-large members, two from each congressional district, with no more than three of the six members being from the same political party; (5) the Director of the Nebraska State Historical Society; and (6) a current professional member of the American Society of Interior Designers. The Governor's spouse is designated the Chairperson of the Governor's Residence Advisory Commission. If the Governor is unmarried or the Governor's spouse is unable to fulfill his or her duties on the commission, the Governor shall appoint an at-large member to fill that seat on the commission. The at-large member shall have the same duties as the Governor's spouse would have had. The Director of Administrative Services or his or her designee is designated the vice-chairperson of the commission. The Administrator of the Task Force For Building Renewal is designated the secretary of the commission and is responsible for the submission of the annual report and any other reports or correspondence from the commission.

Sec. 10. The members of the Governor's Residence Advisory Commission shall serve without compensation. The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 11. The Governor's spouse shall remain on the Governor's Residence Advisory Commission as Chairperson during the time his or her spouse is Governor, but in the case of an at-large member appointed in place of the Governor's spouse, the at-large member shall serve at the pleasure of the Governor. The agency directors and task force administrator on the commission shall serve as long as such persons hold those positions. The remaining members of the commission shall serve four-year terms, subject to removal by the Governor for cause. Vacancies on the commission caused by the death, removal, or resignation of a member shall be filled by the Governor for the remainder of the unexpired term.

Sec. 12. The Governor's Residence Advisory Commission shall meet at the direction of the chairperson of the commission. At least one meeting shall be held after the annual June inspection. A simple majority of the commission shall constitute a quorum for the transaction of business.

Sec. 14. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 989.** The Standing Committee amendment, AM3370, as amended, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Hilgert requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Janssen | Pederson, D. | Schrock |
| Bohlke | Dierks | Jensen | Peterson, C. | Suttle |
| Brashear | Elmer | Jones | Preister | Thompson |
| Bromm | Engel | Kiel | Raikes | Wehrbein |
| Brown | Hartnett | Kristensen | Robak | Wesely |
| Bruning | Hilgert | Lynch | Robinson | Wickersham |
| Coordsen | Hillman | Pedersen, Dw. | Schellpeper | Willhoft |
| Crosby | | | | |

Voting in the negative, 4:

| | | | |
|---|---|---|---|
| Chambers | Landis | Schimek | Tyson |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Matzke | Schmitt | Stuhr | Vrtiska | Will |
| Maurstad | | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Abboud | Hudkins | Witek |

Advanced to E & R for review with 36 ayes, 4 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1100.** Title read. Considered.

**MR. COORDSEN PRESIDING**

Standing Committee amendment, AM3291, printed separately and referred to on page 882, lost with 0 ayes, 22 nays, 24 present and not voting, and 3 excused and not voting.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Wehrbein offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3492.)

The Wehrbein amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1229A.** 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 1229, Ninety-fifth Legislature, Second Session, 1998.

**AMENDMENTS - Print in Journal**

Mr. Dw. Pedersen filed the following amendment to LB 309:
AM3528

(Amendments to E & R amendments, AM7206)

1. Insert the following new sections:

"Sec. 3. Section 60-462, Revised Statutes Supplement, 1997, is amended to read:

60-462. Sections 60-462 to 60-4,188 and section 5 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 4. Section 60-479, Revised Statutes Supplement, 1997, is amended to read:

60-479. Sections 60-480 to 60-4,111, 60-4,164.01, and 60-4,182 to 60-4,188 and section 5 of this act shall apply to any operator's license issued pursuant to the Motor Vehicle Operator's License Act.

Sec. 5. Any person who violates section 53-180.02 shall be subject to the following operator's license suspension penalties:

(1) For the first violation, suspension for a period of six months;

(2) For a second violation, suspension for a period of one year; and

(3) For a third and any subsequent violation, suspension for a period of two years. If the person does not have an operator's license when convicted or adjudicated as a juvenile, he or she shall be ineligible to apply for an operator's license for the suspension time periods specified in this section. If the person is under sixteen years of age when convicted or adjudicated as a juvenile, the person shall have his or her operator's license suspended on the first day of issuance for the time periods specified in this section.

If the court places such person on probation or suspends the sentence for any reason or adjudicates the person as a juvenile, the court shall, as one of the conditions of probation, sentence suspension, or juvenile adjudication, order such person not to drive any motor vehicle for any purpose for a period of six months after the date of the order, and shall suspend the operator's license of such person for a like period of time. An abstract of the court record of every person convicted or adjudicated of violating section 53-180.02 shall be transmitted to the Department of Motor Vehicles.".

2. On page 14, lines 19 and 20, strike "14 and 15" and insert "17 and 18".

3. On page 45, line 7; page 46, line 3; and page 48, line 19, strike "19" and insert "22".

4. Renumber the remaining sections accordingly.

Mr. Chambers filed the following amendment to LB 404:
FA560
Strike the enacting clause.

Mr. Chambers filed the following amendment to LB 404A:
FA561
Strike the enacting clause.

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 1138.** Title read. Considered.

Standing Committee amendment, AM3456, found on page 883, was considered.

Mrs. Suttle and Mr. Will asked unanimous consent to be excused. No objections. So ordered.

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?" The motion failed with 9 ayes, 12 nays, and 28 not voting.

The Standing Committee amendment was adopted with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 4 nays, 12 present and not voting, and 5 excused and not voting.

## MOTIONS - Print in Journal

Mr. Chambers filed the following motions to LB 739:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 932:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 969:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 796:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 1051:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 965:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 944:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 948:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 995:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 940:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 1103:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 1133:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 1111:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 1128:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 1088:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 1094:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 1201:

Bracket until April 14, 1998.

Indefinitely postpone.

Mr. Chambers filed the following motions to LB 1282:

Bracket until April 14, 1998.

Indefinitely postpone.

## ADJOURNMENT

At 4:47 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Friday, February 6, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

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# THIRTY-NINTH DAY – MARCH 6, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 6, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Becky Killion, Miller Park Presbyterian Church, Omaha, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mrs. Hudkins who was excused; and Messrs. Abboud, Beutler, Bromm, Cudaback, Elmer, Landis, Lynch, D. Pederson, Schellpeper, Tyson, Will, Mmes. Bohlke, Hillman, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE RESOLUTION 45CA.** Placed on Select File as amended. (E & R amendment, AM7213, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jon C. Bruning, Chairperson

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the advancement of LB 1100.

(Signed) Ronald E. Raikes

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 5, 1998, 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

Mendenhall, Frances - Omaha; Common Cause/Nebraska
Robinson, Pamela - TX; WorldCom Technologies, Inc.
Wylie, William M. - Elgin; JoAnn Hansen

## REPORT

The following report was received by the Legislature:

**Revenue, Department of**
Redevelopment Projects using Tax Increment Financing Report

## RESOLUTION

**LEGISLATIVE RESOLUTION 327.** Read. Considered.

LR 327 was adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 1053.** Considered.

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

**MR. COORDSEN PRESIDING**

Messrs. Kristensen and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad offered the following amendment:
FA562
Sec. 4(2) page 5
On line 17 after "by" insert "a majority of voting members" and strike "the chairperson".

The Maurstad amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Maurstad offered the following amendment:

FA563
Sec. 12 page 9
On line 24 change "1998" to "1999". and
Remove Sec. 14.

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

Mr. Maurstad requested a roll call vote on his amendment.

Mr. Willhoft requested the roll call vote be taken in reverse order.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Brown | Jones | Pedersen, Dw. | Vrtiska |
| Brashear | Coordsen | Kristensen | Stuhr | Wehrbein |
| Bromm | Jensen | Maurstad | Tyson | Witek |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Hartnett | Lynch | Raikes | Suttle |
| Bohlke | Hilgert | Matzke | Robak | Thompson |
| Bruning | Hillman | Pederson, D. | Schimek | Wesely |
| Chambers | Janssen | Peterson, C. | Schmitt | Wickersham |
| Cudaback | Kiel | Preister | Schrock | Willhoft |
| Engel | Landis | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Crosby | Elmer | Schellpeper |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Dierks | Hudkins | Robinson | Will |

The Maurstad amendment lost with 15 ayes, 27 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Maurstad offered the following amendment:
FA564
On page 2 line 16 strike beginning with "The" through "programs." on line 22.

The Maurstad amendment lost with 2 ayes, 21 nays, 22 present and not voting, and 4 excused and not voting.

Mr. Maurstad offered the following amendment:

FA565
On page 2 line 28 to page 3 line 5 strike new language and reinstate stricken language.

The Maurstad amendment lost with 2 ayes, 12 nays, 31 present and not voting, and 4 excused and not voting.

Mr. Maurstad offered the following amendment:
FA566
Sec. 8 page 6
On line 26 strike "and support"

Mr. Maurstad withdrew his amendment.

Ms. Schimek moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Maurstad requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Bohlke | Engel | Landis | Raikes | Suttle |
| Brashear | Hartnett | Lynch | Robak | Thompson |
| Bromm | Hilgert | Matzke | Schellpeper | Vrtiska |
| Bruning | Hillman | Pedersen, Dw. | Schimek | Wesely |
| Chambers | Janssen | Pederson, D. | Schmitt | Wickersham |
| Crosby | Kiel | Peterson, C. | Schrock | Willhoft |
| Cudaback | Kristensen | Preister | Stuhr | |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Jones | Tyson | Witek |
| Brown | Jensen | Maurstad | Wehrbein | |

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Elmer | Will |

Excused and not voting, 3:

| | | |
|---|---|---|
| Dierks | Hudkins | Robinson |

Advanced to E & R for engrossment with 34 ayes, 9 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

## STANDING COMMITTEE REPORT
### Business and Labor

**LEGISLATIVE BILL 1363.** Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

### AMENDMENT - Print in Journal

Mrs. Crosby, Messrs. Wickersham, and Janssen filed the following amendment to LB 1191:
AM3476

1. Insert the following new section:

"Sec. 27. Section 84-1308, Revised Statutes Supplement, 1996, is amended to read:

84-1308. (1) Each employee who is a member of the retirement system shall pay or have paid on his or her behalf a sum equal to ~~three and six-tenths~~ four and thirty-three hundredths percent of his or her monthly compensation until such time as he or she has paid during any calendar year a total of eight hundred sixty-four dollars, after which time he or she shall pay a sum equal to four and eight-tenths percent of his or her monthly compensation for the remainder of such calendar year. Such amounts shall be deducted monthly pursuant to subsection (2) of this section by the Director of Administrative Services. All money received shall be set aside by the State Treasurer and credited to the State Employees Retirement Fund.

(2) The employer shall pick up the employee contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the Internal Revenue Code, except that the employer shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service or the federal courts rule that, pursuant to section 414(h) of the Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employer shall pick up these contributions by a deduction either through a reduction in the cash compensation of the employee or a combination of a reduction in compensation and offset against a future compensation increase. Employee contributions picked up shall be treated for all purposes of the State Employees Retirement Act in the same manner and to the extent as employee contributions made prior to the date picked up.".

2. On page 54, line 11, strike "section 84-1503" and insert "sections 84-1308 and 84-1503".

3. Renumber the remaining sections and correct internal references accordingly.

## SELECT FILE

**LEGISLATIVE BILL 1053A.** Advanced to E & R for engrossment.

Messrs. Beutler, Willhoft, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 611.** E & R amendment, AM7204, found on page 660, was adopted.

Mr. Abboud withdrew his motion, found on page 641, to indefinitely postpone LB 611.

Mr. Raikes renewed his pending amendment, AM3197, found on page 704.

Mrs. Bohlke, Messrs. Vrtiska, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

## SPEAKER KRISTENSEN PRESIDING

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

The Raikes amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Hartnett renewed his pending amendment, AM3361, found on page 799.

Mrs. Robak, Messrs. Jones, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mmes. Hillman, Kiel, Messrs. Wesely, Bruning, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

## AMENDMENT - Print in Journal

Mr. Janssen filed the following amendment to LB 1134:
AM3229

(Amendments to Standing Committee amendments, AM3137)

1. Insert the following new section:

"Sec. 5. For reorganized districts that are receiving incentive payments pursuant to section 79-1010, in addition to any funding calculated under section 79-1010, 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 sections 79-1005.01, 79-1008.01, and 79-1009, whichever is greater. Payments under this section shall be made from the funds provided for base fiscal year incentive payments under section 79-1010.

If the total amount of payments due under this section and section 79-1010 to school districts for a school year exceeds the total amount appropriated by the Legislature for base fiscal year incentive payments, the payments pursuant to this section shall be reduced proportionately so that the total amount of aid under this section and section 79-1010 does not exceed such amount. If the total amount of incentive payments to school districts pursuant to section 79-1010 for that school fiscal year exceeds the appropriation for base fiscal year incentive payments, no payments shall be made pursuant to this section and the payments pursuant to section 79-1010 shall be reduced proportionately as provided in section 79-1010.".

2. On page 1, line 5, strike "section 3" and insert "sections 3 and 5".

3. Renumber the remaining sections accordingly.

## MOTIONS - Print in Journal

Mr. Will filed the following motion to LB 502:
Indefinitely postpone

Mr. Will filed the following motion to LB 375:
Indefinitely postpone

Mr. Will filed the following motion to LB 1273:
Indefinitely postpone

Mr. Will filed the following motion to LB 951:
Indefinitely postpone

Mr. Will filed the following motion to LB 885:
Indefinitely postpone

Mr. Will filed the following motion to LB 884:
Indefinitely postpone

Mr. Will filed the following motion to LB 842:
Indefinitely postpone

Mr. Will filed the following motion to LB 841:
Indefinitely postpone

Mr. Will filed the following motion to LB 810:
Indefinitely postpone

Mr. Will filed the following motion to LB 801:
Indefinitely postpone

Mr. Will filed the following motion to LB 800:
Indefinitely postpone

Mr. Will filed the following motion to LB 341:
Indefinitely postpone

Mr. Will filed the following motion to LB 340:
Indefinitely postpone

Mr. Will filed the following motion to LB 337:
Indefinitely postpone

Mr. Will filed the following motion to LB 1281:
Indefinitely postpone

Mr. Will filed the following motion to LB 1275:
Indefinitely postpone

Mr. Will filed the following motion to LB 1274:
Indefinitely postpone

Mr. Will filed the following motion to LB 1178:
Indefinitely postpone

Mr. Will filed the following motion to LB 1138:
Indefinitely postpone

Mr. Will filed the following motion to LB 39:
Indefinitely postpone

Mr. Will filed the following motion to LB 32:
Indefinitely postpone

## AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 309:
AM3305

(Amendments to E & R amendments, AM7206)

1. Strike sections 2 and 3.
2. On page 16, lines 3 through 5, strike the new matter.
3. On page 17, line 1, strike the new matter.
4. On page 18, lines 1 and 2, strike the new matter and insert "; and".
5. On page 20, lines 2 through 7, strike the new matter; and in lines 14 through 27, reinstate the stricken matter and strike the new matter.
6. On page 21, strike the new matter.
7. On page 24, lines 4 through 6, strike the new matter.
8. On page 25, lines 1 through 3, strike the new matter and reinstate the stricken matter.
9. On page 26, lines 3 and 4, strike the new matter and reinstate the stricken matter; and in line 5 strike "five-hundred-dollar fine".
10. On page 28, lines 4 through 9, strike the new matter.
11. On page 29, strike the new matter.
12. On page 43, strike lines 14 through 27.
13. On page 44, strike lines 1 through 17.
14. On page 48, line 22, strike "60-4,110,"; in line 25 after the first comma insert "and"; and strike beginning with "and" in line 26 through the last comma in line 27.
15. Renumber the remaining sections and correct internal references accordingly.

Mr. Dw. Pedersen filed the following amendment to LB 309:
AM3572

(Amendments to AM3431)

1. On page 2, line 14, strike "excessive" and show as stricken.

## GENERAL FILE

**LEGISLATIVE BILL 739.** Title read. Considered.

Mr. Chambers renewed his pending motion, found on page 935, to bracket LB 739 until April 14, 1998.

Mrs. C. Peterson, Messrs. Hartnett, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house.

Mr. Chambers requested a roll call vote on the motion to place the house under call.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kristensen | Schmitt | Tyson |
| Bohlke | Elmer | Pederson, D. | Suttle | Wickersham |
| Chambers | | | | |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Brashear | Crosby | Jensen | Matzke | Witek |
| Coordsen | Engel | Landis | Thompson | |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Bromm | Janssen | Pedersen, Dw. | Raikes | Schrock |
| Brown | Maurstad | Preister | Schimek | Will |
| Hilgert | | | | |

Excused and not voting, 18:

| | | | | |
|---|---|---|---|---|
| Beutler | Hillman | Lynch | Schellpeper | Wehrbein |
| Bruning | Hudkins | Peterson, C. | Stuhr | Wesely |
| Dierks | Jones | Robak | Vrtiska | Willhoft |
| Hartnett | Kiel | Robinson | | |

The motion to place the house under call prevailed with 11 ayes, 9 nays, 11 present and not voting, and 18 excused and not voting.

The Chambers motion to bracket failed with 1 aye, 27 nays, 4 present and not voting, and 17 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Appropriations

**LEGISLATIVE BILL 63.** Placed on General File as amended.
Standing Committee amendment to LB 63:
AM3560

1. Strike the original sections and insert the following new sections:

"Section 1. Section 84-612, Revised Statutes Supplement, 1997, 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 or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) On June 15, 1999, the State Treasurer shall transfer ~~forty~~ twelve million dollars from the Cash Reserve Fund to the General Fund.

(6) On June 15, 2001, the State Treasurer shall transfer twenty-eight million dollars from the Cash Reserve Fund to the General Fund.

Sec. 2. Original section 84-612, Revised Statutes Supplement, 1997, is repealed.".

**LEGISLATIVE BILL 924.** Placed on General File as amended.
(Standing Committee amendment, AM3424, 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 976.** Placed on General File as amended.
Standing Committee amendment to LB 976:
AM3407

1. Strike the original section and insert the following new sections:

"Section 1. There is hereby appropriated $70,000 from the General Fund for FY1998-99 to the Board of Trustees of the Nebraska State Colleges for development of a campus master plan for the proposed new site of Peru State College to be transferred to Nebraska City. The master plan shall be prepared by an architectural or engineering firm selected by competitive bid. The campus master plan shall identify (1) the cost for relocation of movable assets, (2) potential alternate uses of the existing facilities of Peru State College at Peru, and (3) private donations available to defray construction costs.

The campus master plan shall be submitted to the Coordinating Commission for Postsecondary Education for review with a copy presented to the Appropriations Committee of the Legislature.

Sec. 2. There is hereby appropriated $60,000 from the General Fund for FY1998-99 to the Coordinating Commission for Postsecondary Education to conduct a study of Peru State College's

service area, including (1) a review of the Peru State College facilities audit and campus master plans prepared for the Board of Trustees of the Nebraska State Colleges, (2) the means by which the college would best meet the needs of Southeastern Nebraska and enhance its development, (3) an examination of employment opportunities and needs in the college's service area as well as the academic programs needed to meet employment requirements, (4) the collection of data on Peru State College's students, faculty, and graduates, enrollment trends, demographics, and reasons students choose to attend Peru State College.

The commission shall explore alternatives and identify options as well as estimates of cost and report its finding to the Legislature and the Governor not later than December 1, 1998.".

**LEGISLATIVE BILL 1110.** Placed on General File as amended.
Standing Committee amendment to LB 1110:
AM3570

1. Insert the following new sections:

"Sec. 5. The following sections is outright repealed: Section 77-4208, Revised Statutes Supplement, 1997.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 3, strike beginning with "Property" in line 3 through the first comma in line 4 and insert "General Fund"; and in line 7 strike "nine million seven hundred thousand dollars" and insert "the amount appropriated in the prior year".

**LEGISLATIVE BILL 1173.** Placed on General File as amended.
Standing Committee amendment to LB 1173:
AM3488

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $2,500,000 from the General Fund for FY1998-99 and (2) $2,500,000 from the General Fund for FY1999-00 to Agency 83 -- Aid to Community Colleges, for Program 99, to be distributed by the Department of Administrative Services through a grant for the construction of a center for excellence in electronics. The center shall conduct training in applied electronics technology, and evaluation and testing of electronics equipment pursuant to the first, third, and fourth instructional and service priorities of section 85-962.

The grant shall be based on a proposal submitted by a community college area to the Nebraska Community College Aid, Grant, and Contract Review Committee. Subsequent recommendations for the award of the grant shall be reported by the committee to the Director of Administrative Services. The recommendations shall not in the aggregate exceed the General Fund amount appropriated in this section.

Sec. 2. It is the intent of the Legislature that the

appropriation provided in section 1 of this act be the maximum amount of state funds applied to this project. All costs of the center greater than such appropriation shall be funded from nonstate sources. The costs of the center greater than such appropriation shall include costs of operation, maintenance, and necessary upgrading of equipment. Nonstate sources for the purpose of this section and sections 4 and 7 of this act means fees, grants, and contributions from individuals, corporations, companies, and associations for the evaluation and testing of electronics equipment.

Sec. 3. The proposal submitted by a community college area under section 1 of this act shall include an operating plan for the center. The operating plan shall show financial commitments from nonstate sources and reasonably estimated revenue to provide the operation, maintenance, and necessary upgrading of equipment for a period of at least one year beyond the time that the operating plan shows a positive cash flow. The plan shall include a review by a financial analyst on the plan's reasonableness.

Sec. 4. If the community college area determines that nonstate sources are insufficient to provide for operating costs, maintenance, and necessary upgrading of equipment, the center facilities shall be sold and the proceeds shall go to Agency 83 -- Aid to Community Colleges, for Program 99, and distributed to the community college areas. The sale shall be subject to rights retained by the owner of the property on which the center is located.

Sec. 5. The community college area may sell the center facilities at not less than its audited book value of assets. The sale shall be subject to consent by the owner of the property on which the center is located, which consent shall not be unreasonably withheld. The proceeds of the sale in an amount equal to the grant shall go to the community college area which received the grant, and proceeds in excess of the grant shall go to Agency 83 -- Aid to Community Colleges, for Program 99, for distribution to community college areas. The sale shall be subject to rights retained by the owner of the property on which the center is located.

Sec. 6. Following any year the center shows a net positive cash flow, the center shall annually set aside into a reserve fund an amount equal to sixty-seven percent of its net income less debt repayment for that year. The reserve fund shall be available to the center for capital investment consistent with the purposes of the center which have a net positive present value. The reserve fund shall go to Agency 83 -- Aid to Community Colleges, for Program 99, at such time as the center facilities are sold.

Sec. 7. The community college area receiving the grant pursuant to section 1 of this act shall report to the Legislature

by December 31 of each year on the financial condition of the center, funding received from nonstate sources, training conducted, and testing and evaluation services provided.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Roger R. Wehrbein, Chairperson

## MOTION - Adjournment

Mr. Will moved to adjourn until 9:00 a.m., Monday, March 9, 1998.

Mr. Maurstad requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Preister | Schimek | Tyson |
| Bruning | Engel | Raikes | Suttle | Will |
| Coordsen | | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Jensen | Matzke | Schmitt |
| Bromm | Hilgert | Kristensen | Maurstad | Thompson |
| Chambers | Janssen | Landis | Pederson, D. | Witek |
| Cudaback | | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brashear | Brown | Pedersen, Dw. | Schrock | Wickersham |

Excused and not voting, 17:

| | | | | |
|---|---|---|---|---|
| Beutler | Hudkins | Peterson, C. | Schellpeper | Wehrbein |
| Dierks | Jones | Robak | Stuhr | Wesely |
| Hartnett | Kiel | Robinson | Vrtiska | Willhoft |
| Hillman | Lynch | | | |

The Will motion to adjourn failed with 11 ayes, 16 nays, 5 present and not voting, and 17 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 932.** Title read. Considered.

Mr. Chambers renewed his pending motion, found on page 935, to bracket LB 932 until April 14, 1998.

Messrs. Matzke, Tyson, Will, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to bracket failed with 1 aye, 15 nays, 12 present and not voting, and 21 excused and not voting.

Mr. Chambers renewed his pending motion, found on page 935, to indefinitely postpone LB 932.

Pending.

**LEGISLATIVE BILL 969.** Title read. Considered.

Mr. Chambers renewed his pending motion, found on page 936, to bracket LB 969 until April 14, 1998.

Mr. Chambers withdrew his motion.

Pending.

**LEGISLATIVE BILL 796.** Title read. Considered.

Standing Committee amendment, AM2760, found on page 420, was considered.

Mr. Chambers renewed his pending motion, found on page 936, to bracket LB 796 until April 14, 1998.

Mr. Preister and Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

The Chambers motion to bracket failed with 1 aye, 11 nays, 19 present and not voting, and 18 excused and not voting.

Pending.

## AMENDMENTS - Print in Journal

Mr. Will filed the following amendment to LB 799:
FA567
Strike the enacting clause.

Mrs. Brown filed the following amendment to LB 1035:
AM3452
1. Insert the following new sections:
"Sec. 3. Section 44-392, Reissue Revised Statutes of Nebraska, is amended to read:
44-392. ~~It shall hereafter be unlawful for any bank, trust company, investment company, bank affiliate, corporation, partnership, limited liability company, or association, owned or controlled by any bank located in any incorporated city of this state having a population of two hundred thousand or over, to sell,~~

~~write, or solicit any kind or form of insurance, either directly or indirectly, through any officer, agent, employee, or representative thereof. Any such bank, trust company, investment company, bank affiliate, corporation, partnership, limited liability company, or association, owned or controlled by any bank, or any officer, agent, employee, or representative thereof, who violates this section shall be guilty of a Class II misdemeanor~~ Any bank, trust company, investment company, bank affiliate, corporation, partnership, limited liability company, or association, owned or controlled by any bank located in this state, may sell, or solicit any kind or form of insurance, either directly or indirectly, through any officer, agent, employee, or representative thereof. The sale and solicitation of insurance pursuant to this section shall be subject to compliance with the insurance laws of this state and rules and regulations adopted and promulgated thereunder.

Sec. 5. Section 44-1525, Revised Statutes Supplement, 1997, is amended to read:

44-1525. Any of the following acts or practices, if committed in violation of section 44-1524, shall be unfair trade practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(a) Misrepresents the benefits, advantages, conditions, or terms of any policy;

(b) Misrepresents the dividends or share of the surplus to be received on any policy;

(c) Makes any false or misleading statements as to the dividends or share of surplus previously paid on any policy;

(d) Misleads as to or misrepresents the financial condition of any insurer or the legal reserve system upon which any life insurer operates;

(e) Uses any name or title of any policy or class of policies which misrepresents the true nature thereof;

(f) Misrepresents for the purpose of inducing or tending to induce the purchase, lapse, forfeiture, exchange, conversion, or surrender of any policy, including intentionally misquoting any premium rate;

(g) Misrepresents for the purpose of effecting a pledge or assignment of or effecting a loan against any policy; or

(h) Misrepresents any policy as being shares of stock;

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of

insurance or with respect to any insurer in the conduct of his or her insurance business which is untrue, deceptive, or misleading;

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false or maliciously critical of or derogatory to the financial condition of any insurer and which is calculated to injure such insurer;

(4) Entering into any agreement to commit or by any concerted action committing any act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of or monopoly in the business of insurance;

(5)(a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or knowingly causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition of an insurer; or

(b) Knowingly making any false entry of a material fact in any book, report, or statement of any insurer or knowingly omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer;

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance;

(7)(a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any life insurance policy or annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such policy or annuity;

(b) Making or permitting any unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, or rates charged for any sickness and accident insurance policy or in the benefits payable thereunder, in any of the terms or conditions of such policy, or in any other manner, except that this subdivision shall not limit the negotiation of preferred provider policies and contracts under sections 44-4101 to 44-4113;

(c) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the

risk unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(d) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk, or the personal property contained therein, because of the age of the residential property unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(e) Refusing to insure, refusing to continue to insure, or limiting the amount of coverage available to an individual solely because of the sex or marital status of the individual. This subdivision shall not prohibit an insurer from taking marital status into account for the purpose of defining individuals eligible for dependent benefits; or

(f) Terminating or modifying coverage or refusing to issue or refusing to renew any property or casualty insurance policy solely because the applicant or insured or any employee of the applicant or insured is mentally or physically impaired unless:

(i) The termination, modification, or refusal is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The termination, modification, or refusal is required by law, rule, or regulation.

This subdivision (f) shall not apply to any sickness and accident insurance policy sold by a casualty insurer and shall not be interpreted to modify any other provision of law relating to the termination, modification, issuance, or renewal of any policy;

(8)(a) Except as otherwise expressly provided by law:

(i) Knowingly permitting or offering to make or making any life insurance policy, annuity, or sickness and accident insurance policy, or agreement as to any such policy or annuity, other than as plainly expressed in the policy or annuity issued thereon, or paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, as inducement to such policy or annuity, any rebate of premiums payable on the policy or annuity, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the policy or annuity; or

(ii) Giving, selling, purchasing, or offering to give, sell, or purchase as inducement to such policy or annuity or in

connection therewith any stocks, bonds, or other securities of any insurer or other corporation, association, partnership, or limited liability company, or any dividends or profits accrued thereon, or anything of value not specified in the policy or annuity.

(b) Nothing in subdivision (7) or (8)(a) of this section shall be construed as including within the definition of discrimination or rebates any of the following acts or practices:

(i) In the case of any life insurance policy or annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance if such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the insurer and its policyholders;

(ii) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses; or

(iii) Readjustment of the rate of premium for a group insurance policy based on the loss or expense thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(9) Failing of any insurer to maintain a complete record of all the complaints received since the date of its last examination conducted pursuant to the Insurers Examination Act. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of each complaint, and the time it took to process each complaint. For purposes of this subdivision, complaint shall mean any written communication primarily expressing a grievance;

(10) Making false or fraudulent statements or representations on or relative to an application for a policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual person;

(11) Failing of any insurer, upon receipt of a written inquiry from the department, to respond to such inquiry or request additional reasonable time to respond within fifteen working days; and

(12) Violating any provision of section 44-320, 44-348, 44-360, 44-361, 44-369, ~~44-392,~~ 44-393, 44-515 to 44-518, 44-522, 44-523, 44-2132 to 44-2134, 44-3606, 44-4809, 44-4812, 44-4817, or 44-5266.".

2. On page 29, line 11, strike "44-2827.01" and insert "44-392, 44-2827.01,"; and in line 13 after the last comma insert "44-1525,".

3. Renumber the remaining sections accordingly.

## VISITORS

Visitors to the Chamber were Senator Schrock's son, Tom, from Holdrege; Senator Matzke's granddaughter, Sloan, from Seward; Pastor Doug, Debbie, and Dustin Jones from Scottsbluff; John Williams from Iowa City, Iowa; 60 fourth grade students and teachers from Valley; 75 fifth grade students and teachers from Clarimar Elementary and Northside Elementary Schools, Fremont; Congressman Doug Bereuter; 14 seventh and eighth grade students and teachers from York Middle School; Senator Preister's cousins, Virgil, Mary, Sheila, Travis, Cory, Ross, and Connie Preister from Lindsay; Ivan and Mary VanDyke from Norfolk; and Senator Tyson's son, Brian, from Lincoln.

On March 5, 1998, visitors to the Chamber were Rick and Maureen Fulton and Jodi Urbach from Omaha.

The Doctor of the Day was Jay Matzke from Seward.

## MOTION - Adjournment

Mr. Hilgert moved to adjourn until 9:00 a.m., Monday, March 9, 1998.

Mr. Chambers moved for a call of the house. The motion failed with 4 ayes, 11 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on the motion to adjourn.

Mr. Hilgert requested the roll call vote be taken in reverse order.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Brashear | Hilgert | Pederson, D. | Schrock | Wickersham |
| Bruning | Janssen | Robak | Suttle | Willhoft |
| Coordsen | Kristensen | Schimek | Thompson | Witek |
| Elmer | Landis | Schmitt | Wesely | |

Voting in the negative, 2:

| | |
|---|---|
| Chambers | Lynch |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Bromm | Crosby | Engel | Jensen | Raikes |
| Brown | Cudaback | Hillman | Maurstad | |

Excused and not voting, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Matzke | Robinson | Vrtiska |
| Beutler | Hudkins | Pedersen, Dw. | Schellpeper | Wehrbein |
| Bohlke | Jones | Peterson, C. | Stuhr | Will |
| Dierks | Kiel | Preister | Tyson | |

The Hilgert motion to adjourn prevailed with 19 ayes, 2 nays, 9 present and not voting, and 19 excused and not voting, and at 1:44 p.m., the Legislature adjourned until 9:00 a.m., Monday, March 9, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FORTIETH DAY – MARCH 9, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 1998

Pursuant to adjournment, the Legislature met at 1:00 p.m., President Robak presiding.

## PRAYER

The prayer was offered by Senator LaVon Crosby.

## ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Bruning, Janssen, Dw. Pedersen, Wehrbein, Will, Mmes. Suttle, and Thompson who were excused; and Messrs. Abboud, Brashear, Chambers, Engel, Hilgert, Jones, Lynch, Preister, Robinson, Mmes. Brown, Hudkins, Kiel, C. Peterson, Stuhr, and Witek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

## STANDING COMMITTEE REPORT
### Appropriations

**LEGISLATIVE BILL 1108.** Placed on General File as amended.
(Standing Committee amendment, AM3432, 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

## NOTICE OF COMMITTEE HEARINGS
### Health and Human Services

Friday, March 20, 1998 2:00 p.m.
Nebraska Commission for the Deaf and Hard of Hearing
Jerry A. Hohnbaum

Raymond A. Meester
Brent A. Welsch
Kevin T. Williams

Rural Health Advisory Commission
Marcia M. Freer
Donald R. Frey, M.D.
Donald Klitgaard, M.D.

Board of Emergency Medical Services
Chris Becker
Bruce Beins
Melanie Cheney
Alice Dalton
Doak P. Doolittle, M.D.
Mike Grutsch
William Heime
William Madison
Gerald E. Matzke, Jr., M.D.
Robert McDonnell
Joe Schaefer
Dallas Schaffer
Rex Scott
Sharon Stumpf
Michael Westcott, M.D.

(Signed) Don Wesely, Chairperson

**Natural Resources**

Tuesday, March 17, 1998 1:15 p.m.
Nebraska Game and Parks Commission
John P. Miller

Nebraska Ethanol Board
Michael P. Alberts

(Signed) Chris Beutler, Chairperson

**MOTION - Approve Appointments**

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 924: Robert Coupland - Nebraska Game and Parks Commission; Rick A. Morehouse - Nebraska Power Review Board; and J. Patrick Hillebrandt - Nebraska Ethanol Board.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Kristensen | Raikes | Schrock |
| Bohlke | Elmer | Landis | Robak | Tyson |
| Coordsen | Hartnett | Matzke | Schellpeper | Vrtiska |
| Crosby | Hillman | Maurstad | Schimek | Wesely |
| Cudaback | Jensen | Pederson, D. | Schmitt | Willhoft |

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 23:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Jones | Preister | Thompson |
| Brashear | Engel | Kiel | Robinson | Wehrbein |
| Bromm | Hilgert | Lynch | Stuhr | Will |
| Brown | Hudkins | Pedersen, Dw. | Suttle | Witek |
| Bruning | Janssen | Peterson, C. | | |

The appointments were confirmed with 25 ayes, 0 nays, 1 present and not voting, and 23 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 1333.** Title read. Considered.

The Standing Committee amendment, AM3177, printed separately and referred to on page 675, was considered.

Messrs. Coordsen, Hartnett, Wickersham, Raikes, and Schellpeper renewed their pending amendment, AM3487, found on page 920, to the Standing Committee amendment.

The Coordsen et al. amendment was adopted with 25 ayes, 0 nays, 2 present and not voting, and 22 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 1 present and not voting, and 23 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 1 present and not voting, and 23 excused and not voting.

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

**LEGISLATIVE BILL 1333A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 1 present and not voting, and 23 excused and not voting.

## STANDING COMMITTEE REPORT
## Education

**LEGISLATIVE BILL 1219.** Placed on General File as amended.
Standing Committee amendment to LB 1219:
AM3580

1. Insert the following new sections:

"Sec. 9. A Class I district with more than fifty percent of its valuation affiliated with a single Class II or III district participating in a unified system may reaffiliate so that its entire valuation is affiliated with that Class II or III district. A Class I district which is not entirely within a Class VI system and which does not have more than fifty percent of its valuation affiliated with a Class II or III district may reaffiliate so that its entire valuation is affiliated with a Class II or III district participating in a unified system. The effective date of the reaffiliation shall be the effective date of the Class I district's participation in the unified system. The reaffiliation shall not affect any existing bond obligations.

Sec. 10. Class I districts in which fifty percent or more of the district's valuation is affiliated with a single Class II or III district shall not merge, dissolve, or reorganize unless:

(1) The Class II or III district with fifty percent or more of the affiliated school system's valuation is also reorganizing in the same reorganization plan, petition, or election and that plan, petition, or election requires approval by either the school board or the legal voters of the Class II or III district;

(2) Fifty percent or more of the Class I district's valuation is being merged with the Class II or III district that has fifty percent or more of the affiliated school system's valuation;

(3) The Class I district has been participating in a unified system for a minimum of seven school fiscal years and the unified system includes at least one Class II or III district reorganizing in the same reorganization plan or petition; or

(4) The school board of the Class II or III district that has fifty percent or more of the affiliated school system's valuation of the Class I votes to approve the plan or petition.

Sec. 15. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 3, line 28, after the period insert "For purposes of the Industrial Relations Act, the unified system shall be deemed an employer as defined in section 48-801.".

3. On page 9, line 4, after "districts" insert "if the entire valuation is included in the unified system"; in line 6 after "of" insert "school board members with"; in line 13 strike "specify whether" and insert "provide that certificated"; strike beginning with "employed" in line 13 through "by" in line 14 and

insert "employees of"; in line 25 strike "interlocal" through "how"; in line 26 strike "and" and insert "but"; and in lines 27 and 28 strike "treated" through "renewed" and insert "subject to the reduction-in-force policy of the unified system upon its expiring and not being renewed".

4. On page 10, line 25, strike "as provided in section 79-102".

5. On page 25, line 21, strike the first "a" and insert ", prior to the beginning of the eighth year of operating as a unified system, the" and after "system" insert "(a)"; in line 22 after "and" insert "(b)"; and strike beginning with "prior" in line 22 through "system" in line 23.

6. On page 26, line 1, after the period insert "If a district withdraws from a unified system prior to the beginning of the eighth year of participating in the unified system, the district shall pay back the incentives attributable to the district's participation in the unified system through reductions in state aid in equal amounts for five years. The total incentives paid shall include interest calculated from the date of payment until the estimated repayment at the rate specified in section 45-104.02 as of the expiration of the agreement or the effective date of withdrawal."; and in lines 1 and 2 strike "calculated for a local system".

7. Renumber the remaining sections accordingly.

(Signed) Ardyce L. Bohlke, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 328.** Introduced by Coordsen, 32.

WHEREAS, the Hebron wrestling team won the Class D State Wrestling Tournament; and

WHEREAS, Dirk Desmond won his third consecutive Class D State Wrestling Tournament in the 140 pound division; 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-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Hebron wrestling team be congratulated for their exemplary effort this season and in the Class D State Wrestling Tournament.

2. That Dirk Desmond be congratulated for his effort this season and in the Class D State Wrestling Tournament.

3. That a copy of this resolution be sent to Coach Dan Desmond and the Hebron wrestling team.

Laid over.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1110A.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1110, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

**LEGISLATIVE BILL 924A.** 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 924, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

## GENERAL FILE

**LEGISLATIVE BILL 1073.** Title read. Considered.

Standing Committee amendment, AM2955, found on page 530, was considered.

Mr. Wesely renewed the Suttle-Thompson pending amendment, AM3144, found on page 914, to the Standing Committee amendment.

Mr. Wesely withdrew the Suttle-Thompson amendment.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 1 present and not voting, and 23 excused and not voting.

Mrs. C. Peterson and Mr. Wesely renewed their pending amendment, AM3403, printed separately and referred to on page 833.

The C. Peterson-Wesely amendment was adopted with 25 ayes, 0 nays, 1 present and not voting, and 23 excused and not voting.

Ms. Schimek renewed her pending amendment, AM3469, found on page 898.

The Schimek amendment was adopted with 25 ayes, 0 nays, 1 present and not voting, and 23 excused and not voting.

Mr. Wesely offered the following amendment:
AM3607

1. Strike original sections 38 and 69 and insert the following new sections:

"Sec. 37. It is the intent of the Legislature that quality health care services and human services be provided to all

citizens of the state, that basic standards be developed to promote safe and adequate care of individuals in health care services facilities and human services facilities, that categories of facilities be regulated by the state solely for the purpose of protecting the public from unreasonable harm or danger, and that categories of facilities be regulated by the state only when it is demonstrated that regulation is in the best interest of the public.

The purposes of sections 37 to 50 of this act are to establish criteria that provide for the determination of what categories of facilities should be regulated, to develop a quality improvement mechanism which would periodically examine and reexamine the laws, regulations, processes, and results of the facility regulation system, to establish a facility regulation system based on meaningful results, including quality indicators, and to assure that the development, application, and implementation of the facility regulation system is consistent and uniform.

Sec. 38. For purposes of sections 37 to 50 of this act, the definitions found in sections 39 to 43 of this act are used.

Sec. 39. Credentialing means the totality of the licensure processes associated with obtaining a license or changing aspects of an existing license.

Sec. 40. Facility means any organization which provides health care services or human services to members of the general public.

Sec. 41. Health care services means services associated with the diagnosis and treatment of physical, mental, or emotional injury or illness or the prevention, rehabilitation, or continuing care related to health problems.

Sec. 42. Human services means services that assist individuals in the conduct of daily living and includes the provision of food and shelter, a minimum amount of such assistance and personal care, and health-related services for individuals who are in need of a protected environment but who are otherwise able to manage normal activities of daily living.

Sec. 43. Licensure means the permission granted by the state to provide health care services or human services to the public which would otherwise be unlawful without such permission and which is granted to facilities which meet prerequisite qualifications pertinent to public health, safety, and welfare.

Sec. 44. Credentialing of categories of facilities not previously licensed should occur only when:

(1) Credentialing is necessary to prevent harm or endangerment to the public health, safety, or welfare and the potential for the harm or endangerment is easily recognizable and not remote or dependent upon tenuous argument;

(2) Credentialing would not significantly diminish the supply of qualified providers or would not otherwise diminish the public's access to needed services; and

(3) There is no more cost-effective means of protecting

the public from harm than credentialing.

Sec. 45. If the Legislature finds that it is necessary for the protection of the public to regulate categories of facilities not previously regulated by state law after reviewing the criteria in section 44 of this act and considering governmental and societal costs and benefits, it is the intent of the Legislature that the least restrictive regulatory provisions consistent with protecting the public health, safety, and welfare be implemented.

Sec. 46. Changes in the credentialing of categories of currently licensed facilities should occur only when:

(1) Credentialing is not needed to ensure the protection of the public health, safety, or welfare or the then current rules and regulations or statutory provisions are not providing adequate protection of the public health, safety, or welfare;

(2) Credentialing has been more detrimental than beneficial to the public health, safety, or welfare by diminishing the supply of qualified providers or the public's access to needed services; or

(3) There are more cost-effective means of protecting the public from harm than credentialing.

Sec. 47. If the Legislature finds that it is necessary for the protection of the public to make changes in the statutes regulating categories of facilities after reviewing the criteria in section 46 of this act and considering governmental and societal costs and benefits, it is the intent of the Legislature that changes be implemented which are the least restrictive regulatory provisions consistent with protecting the public health, safety, and welfare.

Sec. 48. The Department of Health and Human Services Regulation and Licensure shall periodically examine and reexamine the regulations, processes, and results of the facility regulation system. Changes in the facility regulation system should occur whenever the department finds that:

(1) A program or procedure is not needed to ensure the protection of the public health, safety, or welfare or a program or procedure is not providing adequate protection of the public health, safety, or welfare;

(2) A program or procedure has been more detrimental than beneficial to the fulfillment of the department's regulatory responsibilities as defined by law or has diminished the supply of qualified providers or the public's access to needed services; or

(3) There are alternatives to a program or procedure that would more cost-effectively fulfill the department's duties and responsibilities.

Sec. 49. The Department of Health and Human Services Regulation and Licensure shall review the regulation or proposed regulation of categories of facilities based on the criteria in sections 37 to 50 of this act. On or before November 1 of each

year, the department shall provide the Legislature with recommendations for credentialing of categories of facilities not previously regulated and changes in the statutes governing the credentialing of categories of facilities.

Sec. 50. Nothing in this legislative bill is intended to authorize any certificate of need activities for facilities or to authorize the licensure of private practice health care services offices.

Sec. 51. Section 71-2024, Revised Statutes Supplement, 1997, is amended to read:

71-2024. (1) To protect the health, safety, and welfare of the public and to insure to the greatest extent possible the efficient, adequate, and safe practice of health care in any hospital, health care facility, or human services facility ~~or related institution~~ as defined in sections 71-2017 to 71-2029 and sections 37 to 50 of this act consistent with ~~the Nebraska Nursing Home Act,~~ the Uniform Controlled Substances Act, the Uniform Licensing Law, and sections 28-1437 to 28-1439.05, 71-2017 to 71-2029, 71-20,115 to 71-20,119, 71-6501, 71-6601 to 71-6615, and 71-6701 to 71-6717 and sections 37 to 50 of this act, the department shall adopt, promulgate, and enforce rules, regulations, and standards with respect to the different types of hospitals, health care facilities, and human services facilities, ~~and related institutions~~ except nursing homes, ~~to be licensed hereunder as may be~~ designed to further the accomplishment of the purposes of ~~sections 71-2017 to 71-2029~~ such act, law, and sections. Such rules, regulations, and standards shall be modified, amended, or rescinded from time to time in the public interest by the department. The department, with the advice of the Nursing Home Advisory Council, shall adopt, promulgate, and enforce rules, regulations, and standards with respect to nursing homes. Such rules, regulations, and standards shall be in compliance with the Nebraska Nursing Home Act. Such rules, regulations, and standards shall be modified, amended, or rescinded from time to time in the public interest by the department with the advice of the Nursing Home Advisory Council.

(2) The department may accept accreditation by a recognized independent accreditation body, which has standards that are at least as stringent as those of the State of Nebraska, as evidence that the hospital, health care facility, or human services facility complies with the rules, regulations, and standards adopted and promulgated pursuant to subsection (1) of this section.

(3) In addition to the authority to inspect in section 71-2022, the department may adopt and promulgate rules and regulations which allow for recognition of alternative methods for assessing the compliance of the hospital, health care facility, or human services facility with the rules, regulations, and standards adopted and promulgated pursuant to subsection (1) of this section.

Sec. 83. Sections 1 to 4, 20 to 32, 56 to 74, and 84 of

this act become operative May 1, 1998. The other sections of this act become operative on their effective date.

Sec. 84. Original sections 14-402, 15-902, 19-902, 23-114, 71-1555, 71-1557 to 71-1563, 71-1565 to 71-1567, 71-4601, 71-4603 to 71-4604.01, 71-4606, and 71-4608 to 71-4620, Reissue Revised Statutes of Nebraska, and section 71-1564, Revised Statutes Supplement, 1997, are repealed.

Sec. 85. Original sections 68-1016 to 68-1017.01, 68-1019, 71-519, 71-522, 71-1913.01, 71-1913.03, 71-3410, 71-5647, 79-219, 81-657, and 81-658, Reissue Revised Statutes of Nebraska, sections 43-905, 43-1320, 81-1316, and 81-3004, Revised Statutes Supplement, 1996, and sections 43-2624, 48-647, 68-1070, 71-520, 71-523, 71-604.05, 71-1913.02, 71-2017.01, 71-2024, 71-20,117, 71-2610.01, 71-3406, 71-5176, and 71-5184, Revised Statutes Supplement, 1997, are repealed.".

2. On page 35, lines 18 and 19; page 36, lines 13 and 19; page 38, lines 1 and 2 and 9 and 10; page 40, lines 1 and 2, 14, and 20; page 41, line 9; page 44, line 10; page 46, lines 11 and 12, 18 and 19, and 25; page 67, lines 27 and 28; page 70, lines 24 and 25; page 71, line 4; page 72, lines 15 and 21; page 75, lines 7 and 8; page 80, lines 15 and 16; page 91, lines 21 and 22; and page 92, line 7, strike "effective date of this act" and insert "operative date of this section".

3. On page 91, line 28, strike "effective" and insert "operative".

4. On page 92, line 1, strike "act" and insert "section".

5. Renumber the remaining sections and correct internal references accordingly.

The Wesely amendment was adopted with 25 ayes, 0 nays, 1 present and not voting, and 23 excused and not voting.

Mr. Landis offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3593.)

The Landis amendment was adopted with 26 ayes, 0 nays, 1 present and not voting, and 22 excused and not voting.

Mr. Wesely offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3612.)

The Wesely amendment was adopted with 26 ayes, 0 nays, 2 present and not voting, and 21 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 611, 1053, and 1053A.

### Enrollment and Review Change to LB 611

The following changes, required to be reported for publication in the Journal, have been made:
ER9126

1. On page 1, the matter beginning with "cities" in line 1 through line 4 has been struck and "municipal corporate limits; to amend sections 14-117 and 18-1716, Reissue Revised Statutes of Nebraska, and section 77-1344, Revised Statutes Supplement, 1997; to change provisions relating to annexation, special valuation, and regulation; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 1010.** Placed on Select File.

**LEGISLATIVE BILL 1191.** Placed on Select File as amended.
E & R amendment to LB 1191:
AM7217

1. On page 1, line 2, after "23-2323.01," insert "23-2331,"; in line 5 strike "48-1401" and insert "24-701.01, 79-901"; in line 6 after "79-9,113," insert "81-2014.01," and after "84-1307," insert "84-1331,"; in line 10 after the semicolon insert "to provide for specific use of contributions, property and rights purchased with contributions, and investment income; to provide for the nonforfeitability of members' rights to amounts credited;"; and in line 12 after "accounts" insert ", military service credits, and annual benefit limitations".

2. On page 7, line 19; and page 43, line 9, strike "the employee".

**LEGISLATIVE BILL 1228.** 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.)

**LEGISLATIVE BILL 989.** Placed on Select File as amended.
E & R amendment to LB 989:
AM7218

1. In the Coordsen et al. amendment, AM3472, strike beginning with "line" in line 4 through "in" in line 6.

2. In the Standing Committee amendments, AM3370:

a. On page 5, line 13, after the first "the" insert "last" and strike "two years prior" and insert "the year before the

last prior year"; and

b. On page 21, line 3, strike beginning with "political" through "districts" and insert "school districts and political subdivisions".

3. On page 1, line 3, after "sections" insert "77-27,139.03,"; and in line 4 after "79-1026" insert a comma.

**LEGISLATIVE BILL 1100.** Placed on Select File as amended.
E & R amendment to LB 1100:
AM7216

1. In the Wehrbein et al. amendments, AM3492:

a. On page 2, line 15, strike "though" and insert "through";

b. On page 8, line 10, strike "the";

c. On page 14, line 24, insert an underscored comma after "81-1108.15"; and

d. On page 20, line 8, strike "subdivisions" and insert "subdivision".

2. On page 1, strike beginning with "universities" in line 1 through line 7 and insert "public buildings; to amend sections 81-173, 81-179 to 81-182, 81-185, and 81-190, Reissue Revised Statutes of Nebraska, section 81-1108.22, Revised Statutes Supplement, 1996, and section 81-1108.17, Revised Statutes Supplement, 1997; to state intent; to provide for deferred maintenance, repair, renovation, and facility replacement construction projects of the University of Nebraska and Nebraska state colleges; to create funds; to provide for depreciation charges on certain public buildings; to change provisions relating to the Building Renewal Allocation Fund and charges for state buildings; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

**LEGISLATIVE BILL 1138.** Placed on Select File as amended.
E & R amendment to LB 1138:
AM7215

1. On page 1, line 2, after "Colleges" insert "and to the Coordinating Commission for Postsecondary Education; to authorize renewal work and renovation and construction at Peru State College; and to require a study".

(Signed) Jon C. Bruning, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 922.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

**LEGISLATIVE BILL 1229.** Title read. Considered.

Mr. D. Pederson and Mrs. Bohlke renewed their pending amendment, AM3446, found on page 881.

**SPEAKER KRISTENSEN PRESIDING**

The D. Pederson-Bohlke amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mrs. C. Peterson offered the following amendment:
AM3620

1. Insert the following new sections:

"Sec. 11. Section 85-9,145 Revised Statutes Supplement, 1997, is amended to read:

85-9,145. Eligible postsecondary educational institution shall mean a not-for-profit institution not controlled or administered by any state agency or any political subdivision of the state which is:

(1) Located in Nebraska;

(2) Primarily engaged in instruction of students;

(3) Accredited by ~~a regional~~ an accrediting organization recognized by the United States Department of Education; and

(4) Offering courses and programs of instruction leading to an associate or baccalaureate degree to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent.

Sec. 12. Sections 11, 12, 13, and 15 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. 13. Original section 85-9,145, Revised Statutes Supplement, 1997, is repealed.

Sec. 15. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Amend the repealer section and renumber the remaining sections accordingly.

The C. Peterson 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 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 1229A.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 1070.** Title read. Considered.

Standing Committee amendment, AM3434, printed separately and referred to on page 857, was considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:
AM3595

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new section:

"Sec. 6. Section 71-6050, Reissue Revised Statutes of Nebraska, is amended to read:

71-6050. (1) The council shall advise and make recommendations to the department on all matters pertaining to the licensure and regulation of nursing homes in this state, and in furtherance of such powers, the council shall:

~~(1)~~ (a) Study, review, and make recommendations from time to time to the department for rules and standards governing the licensing and operation of nursing homes in this state;

~~(2)~~ (b) Recommend procedures to the department in making inspections, reviewing applications, conducting hearings, and performing other duties of the department relative to nursing homes;

~~(3)~~ (c) Assist the department in the formulation of minimum standards and regulations for nursing homes in this state; and

~~(4)~~ (d) Perform such other duties as may be necessary to carry out the purposes and intent of sections 71-2024 and 71-6043 to 71-6052.

(2) The council shall advise the Department of Health and Human Services Finance and Support and the Director of Finance and Support regarding the awarding of grants or loans under sections 4 and 5 of this act.".

2. On page 3, line 10; and page 8, line 13, strike "January 1" and insert "January 15".

3. On page 9, line 13, after "Council" insert "within the Department of Health and Human Services Finance and Support".

4. On page 10, line 13, after "Cabinet" insert "created in section 81-3009".

5. On page 11, line 10, after "(5)" insert "This section does not create an entitlement to any funds available for grants or loans under this section, and the department may award grants or loans to the extent funds are available and, within its discretion, to the extent such applications are approved.

(6)".

6. On page 12, line 1, strike "(6)" and insert "(7)".

7. On page 15, line 27, strike "January 1" and insert "January 15".

8. On page 16, line 2, after "Original" insert "section

71-6050, Reissue Revised Statutes of Nebraska, and" and strike "is" and insert "are".

9. Renumber the remaining sections accordingly.

The Wesely amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. Maurstad offered the following amendment to the Standing Committee amendment:

AM3519

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new sections:

"Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Native American Public Health Fund Act.

Sec. 2. The Legislature finds that members of Nebraska's federally recognized Native American tribes are not receiving adequate basic public health services, especially in the areas of education and prevention. The leading causes of death among Native American people are largely preventable. Many Native American people suffer from preventable diseases such as diabetes, cardiovascular disease, and alcohol-related fatalities. An alarming number of tribal members engage in health-threatening activities such as smoking, substance abuse, and poor diet. Births to teenaged Native Americans are higher than any other racial group. Unintentional injuries are costing Native American people years of productivity and potential. As a result, the life expectancy among Native Americans is low while the infant mortality rate is high when compared to Nebraska's general population. The problems and future costs associated with a lack of adequate public health services will continue to escalate as seventy percent of tribal members on reservations and in service areas are children.

To protect a generation of Native American children and to provide for a safe, healthy future for future generations of Native American people, the Legislature declares that public health infrastructure focusing on health education and preventative health measures for Native Americans must be addressed.

Sec. 3. The Native American Public Health Fund is created. The fund may include revenue from appropriations from the Legislature, grants, private contributions, and all other sources. It is the intent of the Legislature that each year beginning with fiscal year 1998-99, five hundred thousand dollars shall be transferred from the Nebraska Health Infrastructure Trust Fund to the Native American Public Health Fund. The fund shall be administered by the Department of Health and Human Services.

Sec. 4. The Department of Health and Human Services shall use the Native American Public Health Fund to contract with the health clinics of Nebraska's federally recognized Native American tribes and Indian health organizations to provide educational and public health services targeted to Native American

populations. The following educational and public health services may be considered by the department for such contracts:

(1) Identification and enrollment of children in state and federal programs providing access to health insurance or health care;

(2) Efforts to educate children and adults about the health risks associated with smoking and tobacco use, alcohol abuse, and other substances that threaten health and well-being and other activities designed to reduce the rate of substance abuse;

(3) Prenatal care education for women and notification of programs that improve prenatal care;

(4) Education focusing on proper diet and the importance of physical activity to good health;

(5) Blood pressure and cholesterol screenings;

(6) Support of efforts to identify children and adults at risk for depression and other mental health conditions and provide mental health counseling to prevent suicide;

(7) Parenting classes and the promotion of such programs;

(8) Efforts to discourage drinking and driving and to encourage the use of seat belts;

(9) Tests and education for acquired immunodeficiency syndrome and other sexually transmitted diseases;

(10) Tests for pregnancy and referrals to prenatal care when directed;

(11) Educational efforts aimed at reducing teen pregnancies and other unintended pregnancies;

(12) Case management for pregnant women, children, or adults with special health care needs;

(13) Efforts to make health care prevention services more affordable or accessible;

(14) Matching funds for state and federal programs designed to address public health needs;

(15) Staffing needs for public health services or education including the recruitment and training of Native American providers;

(16) Cervical and breast cancer detection services and other prevention components of comprehensive women's health services;

(17) Education to prevent and reduce the occurrence of diabetes; and

(18) Other prevention or educational activities or programs that address the health, safety, or self-sufficiency of Native American persons.

Sec. 5. During each fiscal year, the Director of Health and Human Services shall contract with the health clinics of Nebraska's federally recognized Native American tribes as approved by the tribal councils and Indian health organizations to provide educational and public health services pursuant to section 4 of this act. The director shall fund all eligible contracts until the

Native American Public Health Fund is depleted, but shall give priority to contracts which meet the following criteria:

(1) Programs or activities that directly impact the health and well-being of children;

(2) Programs or activities which serve the greater number of people over the longest period of time;

(3) Programs or activities that are part of a larger plan for strategic public health planning and implementation;

(4) Current programs or activities that have demonstrated success in improving public health or new programs or activities modeled on successful programs and activities; and

(5) Programs or activities that focus on primary prevention and show promise in reducing future health care expenditures.

Sec. 6. The Department of Health and Human Services shall provide technical assistance and assessment of needs evaluations upon request to aid tribal councils in the development of contract proposals.

Sec. 7. The Director of Health and Human Services shall equally distribute four hundred thousand dollars of the Native American Public Health Fund to each of the four federally recognized Native American tribes. If no contract proposals fitting the criteria of section 4 of this act are submitted, the tribe's share of the funds may be held by the director until such time that an adequate contract can be negotiated. The director shall distribute the remaining one hundred thousand dollars to any federally recognized tribes or Indian health organizations whose proposed educational and public health services contracts best meet the criteria of section 5 of this act.

Sec. 8. The recipients of the Native American Public Health Fund shall submit a report on the activities funded each fiscal year. The report shall provide information as required by the Director of Health and Human Services to determine the effectiveness of the contract in meeting the goals of the Native American Public Health Fund Act.

Sec. 9. If the Director of Health and Human Services determines that services are not being delivered in accordance with the contract, the director may seek to recapture all or a portion of funds expended.

Sec. 10. The Department of Health and Human Services shall adopt and promulgate rules and regulations to carry out the Native American Public Health Fund Act and shall adhere to already established or adopted and promulgated rules and regulations for contracted services under the act.".

2. On page 3, line 9, strike "and"; in line 10 after "(c)" insert "Annually allocate five hundred thousand dollars from the fund for transfer to the Native American Public Health Fund; and

(d)"; and in line 11 strike "Fund" and insert "Nebraska

Health Infrastructure Trust Fund".

3. On page 9, line 7, strike "(2)(c)" and insert "(2)(d)".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Maurstad withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 5 present and not voting, and 15 excused and not voting.

Advanced to E & R for review with 27 ayes, 1 nay, 6 present and not voting, and 15 excused and not voting.

**LEGISLATIVE BILL 1120.** Title read. Considered.

Ms. Schimek and Mr. Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM3364, printed separately and referred to on page 867, was adopted with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

**LEGISLATIVE BILL 1162.** Title read. Considered.

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

Mr. Landis withdrew the pending Suttle-Landis amendment, AM3321, found on page 787.

Mr. Landis offered the following amendment:
AM3615

1. Insert the following new section:

"Sec. 81. Sections 26 to 38, 43, 45, and 46 of this act become operative on July 1, 1999. The other sections of this act become operative on their effective date.".

2. On page 4, line 21; page 17, line 8; page 22, line 23; page 31, line 25; page 46, line 14; and page 60, line 26, after "settings" insert ". Facility does not include physicians' offices".

3. On page 4, line 25; page 17, line 12; page 22, line 27; page 32, line 1; page 46, line 18; and page 61, line 13, after "services" insert ". Health benefit plan does not include workers' compensation insurance coverage".

4. On page 5, line 13; page 17, line 28; page 23, line

15; page 32, line 17; page 47, line 6; and page 62, line 1, after "services" insert ". Health carrier does not include a workers' compensation insurer, risk management pool, or self-insured employer who contracts for services to be provided through a managed care plan certified pursuant to section 48-120.02".

5. On page 39, line 10, strike "A" and insert "At the time the participating providers execute contracts with the health carrier, a".

6. On page 40, strike beginning with "within" in line 14 through line 18.

7. On page 41, after line 23 insert the following new subsection:

"(3) Subdivisions (2)(a) through (g) and (j) through (r) of this section become operative on July 1, 1999.".

8. On page 45, line 20, strike "that have" and insert "having".

9. On page 49, line 22, strike "57" and insert "56".

10. On page 54, line 23, strike "enrollee" and insert "covered person".

11. Renumber the remaining sections accordingly.

The Landis amendment was adopted with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

Mr. Landis offered the following amendment:
AM3603

1. Insert the following new sections:

"Sec. 81. (1) Notwithstanding section 44-3,131, any individual or group sickness and accident insurance policy or subscriber contract delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and any self-funded employee benefit plan to the extent not preempted by federal law, which provides reimbursement for prescription drugs approved by the federal Food and Drug Administration for the treatment of a specific type of cancer shall not exclude coverage of any drug or combination of drugs on the basis that the drug or combination of drugs has not been approved by the federal Food and Drug Administration for the treatment of another specific type of cancer, if (a) the drug or combination of drugs is recognized for treatment of the other specific type of cancer in the United States Pharmacopeia-Drug Information and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration, or (b) the drug or combination of drugs is recognized for treatment of the other specific type of cancer in medical literature and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration.

(2) Notwithstanding section 44-3,131, any individual or

group sickness and accident insurance policy or subscriber contract delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and any self-funded employee benefit plan to the extent not preempted by federal law, which provides reimbursement for prescription drugs approved by the federal Food and Drug Administration for the treatment of human immunodeficiency virus or acquired immunodeficiency syndrome shall not exclude coverage of any drug or combination of drugs on the basis that the drug or combination of drugs has not been approved by the federal Food and Drug Administration for the treatment of human immunodeficiency virus or acquired immunodeficiency syndrome, if (a) the drug or combination of drugs is recognized for treatment of human immunodeficiency virus or acquired immunodeficiency syndrome in the United States Pharmacopeia-Drug Information and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration, or (b) the drug or combination of drugs is recognized for treatment of human immunodeficiency virus or acquired immunodeficiency syndrome in medical literature and the drug or combination of drugs is approved for sale by the federal Food and Drug Administration.

(3) Any coverage of a drug or combination of drugs required by this section shall include medically necessary services associated with the administration of the drug if such services are covered by the insurance policy, contract, or plan.

(4) Nothing in this section shall be construed to require coverage for any experimental or investigational drug not approved by the federal Food and Drug Administration.

(5) For purposes of this section, medical literature means two articles from major peer-reviewed professional medical journals that have recognized, based on scientific or medical criteria, the safety and effectiveness of the drug or combination of drugs for treatment of the indication for which it has been prescribed unless two articles from major peer-reviewed professional medical journals have concluded, based on scientific or medical criteria, that the drug or combination of drugs is unsafe or ineffective or that the safety and effectiveness of the drug or combination of drugs cannot be determined for the treatment of the indication for which the drug or combination of drugs has been prescribed. Each article shall meet the uniform requirements for manuscripts submitted to biomedical journals established by the International Committee of Medical Journal Editors or shall have been published in a journal specified by the United States Department of Health and Human Services pursuant to 42 U.S.C. 1395x(t)(2)(B), as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier.

(6) Within ninety days of the effective date of this act, the chief medical officer, if one is appointed pursuant to section 81-3201, and if not, then the Director of Regulation and Licensure, shall appoint a panel of five medical experts as follows: Three medical oncologists, upon the recommendation of the Nebraska Oncology Society, and two specialists in the management of patients being treated for human immunodeficiency virus or acquired immunodeficiency syndrome, upon the recommendation of the Nebraska Medical Association. Members of the panel shall serve without compensation, except that they shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177. When there is a question regarding acceptable medical literature support of an administration under this section, the panel, upon request of the Director of Insurance, shall review the use in dispute and the medical literature and shall advise the Director of Insurance whether an administration is medically appropriate for purposes of this section. A majority vote of the members of the panel shall be necessary to determine that coverage is medically appropriate. The panel may meet in person or by telephone conference call or other communication means acceptable to the Director of Insurance and the chief medical officer, if one is appointed pursuant to section 81-3201, and if not, then the Director of Regulation and Licensure.

(7) This section shall apply to policies, plans, or contracts for insurance as provided in subsections (1) and (2) of this section which are delivered, issued for delivery, or renewed in this state on or after the effective date of this act.

Sec. 82. (1) Notwithstanding the provisions of section 44-3,131, no policy of accident or health insurance, health services plan, or health maintenance organization subscription shall be offered for sale in this state on or after the effective date of this act unless such policy, plan, subscription, or contract which specifically provides coverage for surgical and nonsurgical treatment involving a bone or joint of the skeletal structure and includes the option to provide coverage for the same diagnostic or surgical procedure involving any other bone or joint of the face, neck, or head through the use of an endorsement or similar amendment. Such endorsement may limit benefits for services to an amount of not less than two thousand five hundred dollars.".

2. Renumber the remaining sections and correct internal references accordingly.

The Landis amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

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

## ADJOURNMENT

At 7:08 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

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# FORTY-FIRST DAY – MARCH 10, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 10, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen 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. Dw. Pedersen and Vrtiska who were excused; and Messrs. Abboud, Hilgert, Maurstad, Preister, Raikes, Wickersham, Will, Mmes. Bohlke, Brown, Kiel, Robak, and Witek who were excused until they arrive.

**PRESIDENT ROBAK PRESIDING**

## CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

## SELECT FILE

**LEGISLATIVE BILL 988.** E & R amendment, AM7212, found on page 893, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1035.** Mrs. Hillman asked unanimous consent to replace her pending amendment, AM3453, found on page 863, with a substitute amendment. No objection. So ordered.

Mrs. Hillman withdrew her amendment, AM3453, found on page 863.

Mrs. Hillman offered the following substitute amendment:

AM3596

1. Insert the following new sections:

"Section 1. Section 13-1614, Reissue Revised Statutes of Nebraska, is amended to read:

13-1614. (1) Any political subdivision may establish, participate in, and administer employee benefit plans for its employees or its employees and their dependents which will provide hospitalization, medical, surgical, and sickness and accident coverage or any one or more of such coverages. Such coverages shall be provided through self-funding in combination with excess insurance or through self-funding without excess insurance pursuant to subsection (4) of section 13-1622. Such coverages may include employee and dependent deductibles and copayments.

(2) Two or more municipalities may jointly provide an employee benefit plan pursuant to the Interlocal Cooperation Act through the purchase of health insurance in excess of a deductible. The parties to the agreement may jointly assume some or all of the risk for the deductible. The insurance shall be purchased through a third-party administrator who has a certificate of authority issued under the Third-Party Administrator Act or through an insurer authorized to do business in the state. The financial responsibilities and conditions for participating, including the use of any self-funding of a deductible, and terminating participation shall be specified in the terms of the agreement required by section 13-804. An employee benefit plan established pursuant to this subsection shall comply with all of the requirements of the Political Subdivisions Self-Funding Benefits Act.

Sec. 2. Section 13-1617, Reissue Revised Statutes of Nebraska, is amended to read:

13-1617. (1) The governing body of the plan sponsor shall approve the use of any self-funding for its employee benefit plan.

(2) The self-funded portion of an employee benefit plan shall comply with the Political Subdivisions Self-Funding Benefits Act. The self-funded portion of the employee benefit plan shall be solely for the benefit of the employees and dependents of the plan sponsor and shall not be pooled with the self-funded portion of an employee benefit plan of another plan sponsor except as permitted in section 13-1614.

(3) Each plan sponsor shall be liable for payment of valid claims under its employee benefit plan.

(4) The governing body of the plan sponsor shall annually review the self-funded portion of the employee benefit plan for compliance with section 13-1619.

(5) The plan sponsor shall keep confidential employee benefit plan information held by it which personally identifies employees and their dependents and the nature of any claims submitted by employees and their dependents. Any agent of the plan

sponsor shall not use or disclose any such information to any person except to the extent necessary to administer claims or as otherwise authorized by law. No information regarding claims submitted by employees and their dependents and held by the plan sponsor shall be used directly or indirectly to alter the terms and conditions of employment of the employees. Any plan sponsor, member of its governing body, officer, employee, or agent who knowingly or willfully violates this subsection shall be guilty of a Class III misdemeanor.".

2. On page 29, line 11, after "sections" insert "13-1614, 13-1617," and after "44-2827.01" insert a comma.

3. Renumber the remaining sections and correct internal references accordingly.

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

Mrs. Hillman withdrew her amendment.

Pending.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 327.

## SELECT FILE

**LEGISLATIVE BILL 1035.** Mrs. Suttle and Mr. Landis withdrew their amendment, AM3322, found on page 870.

Mr. Jensen renewed the Brown pending amendment, AM3452, found on page 953.

Mr. Beutler moved to bracket LB 1035 until March 17, 1998.

Mr. Beutler withdrew his motion to bracket.

Mr. Jensen withdrew the Brown amendment, AM3452.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1041.** E & R amendment, AM7203, found on page 659, was adopted.

Mr. Beutler withdrew his amendment, FA491, found on page 617.

Mr. Chambers withdrew his amendment, FA558, found on page 922.

Mr. Matzke offered the following amendment:
AM3544

(Amendments to Standing Committee amendments, AM3050)

1. Insert the following new section:

"Sec. 47. A grant program is established to reimburse counties for the personal service costs of deputy county attorneys associated with termination of parental rights actions resulting from this legislative bill. Counties in which a city of the metropolitan class or a city of the primary class is located are eligible for grants under this program. The Department of Health and Human Services Finance and Support shall administer the program. Counties receiving grants shall submit quarterly expenditure reports to the department.".

2. On page 17, strike beginning with "if" in line 11 through "father's" in line 12 and insert "to a biological father whose".

3. On page 32, line 19, strike the underscored "and" and insert "or".

4. On page 51, line 7, after "plan" insert "or permanency plan".

5. Renumber the remaining sections accordingly.

The Matzke amendment was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Messrs. Matzke and Chambers offered the following amendment:
AM3569

(Amendments to Standing Committee amendments, AM3050)

1. On page 33, line 26; page 41, line 5; and page 42, line 27, after "another" insert "minor".

2. On page 34, line 12, after "family" insert ", but priority shall be given to preserving and reunifying the family as provided in this section".

3. On page 42, line 27, strike the second "to".

4. On page 43, line 3, after "(2)" insert "A petition shall not be filed on behalf of the state to terminate the parental rights of the juvenile's parents or, if such a petition has been filed by another party, the state shall not join as a party to the petition if the sole factual basis for the petition is that (a) the parent or parents of the juvenile are financially unable to provide health care for the juvenile or (b) the parent or parents of the juvenile are incarcerated. The fact that a qualified family for an adoption of the juvenile has been identified, recruited, processed, and approved shall have no bearing on whether parental rights shall be terminated.

(3)"; and in line 23 strike "(2)" and insert "(3)".

5. On page 54, line 1, after "likely" insert "based upon facts developed as a result of the investigation"; strike line 2 and insert "recommend termination of parental rights and referral

for adoption."; strike beginning with "(b)" in line 13 through "(c)" in line 15 and insert

"(b) Referred to the state for filing of a petition for termination of parental rights;

(c) Placed for adoption;

(d)"; and in line 16 strike "(d)" and insert "(e)".

The Matzke-Chambers amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Chambers offered the following amendment:
FA568

P. 33, line 23;

P. 41, line 2; p. 42, line 25

Put a comma after "murder", and after "or" insert, "aided or abetted" and renumber where appropriate.

The Chambers amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

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

**LEGISLATIVE BILL 1041A.** E & R amendment, AM7211, found on page 780, was adopted.

Mr. Matzke offered the following amendment:
AM3563

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $1,792,970 from the General Fund and $448,242 from federal funds for FY1998-99 and (2) $1,205,520 from the General Fund and $1,551,380 from federal funds for FY1999-00 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 1041, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $495,614 for FY1998-99 or $550,757 for FY1999-00.

Sec. 2. There is hereby appropriated (1) $169,161 from the General Fund for FY1998-99 and (2) $149,887 from the General Fund for FY1999-00 to the Department of Health and Human Services Finance and Support, for Program 341, to aid in carrying out the provisions of Legislative Bill 1041, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries

and per diems from funds appropriated in this section shall not exceed $104,730 for FY1998-99 or $107,610 for FY1999-00.

Sec. 3. If Legislative Bill 1041, Ninety-fifth Legislature, Second Session, 1998, is enacted into law, the General Fund appropriation to the Department of Health and Human Services Finance and Support, for Program 347, shall decrease by $80,000 for FY1998-99 and by $766,720 for FY1999-00 and the federal fund appropriation to the Department of Health and Human Services Finance and Support, for Program 347, shall decrease by $20,000 for FY1998-99 and by $191,680 for FY1999-00.

Sec. 4. There is hereby appropriated (1) $240,000 from the General Fund for FY1998-99 and (2) $240,000 from the General Fund for FY1999-00 to the Department of Health and Human Services Finance and Support, for Program 136 -- Legal Proceedings for Termination, to aid in carrying out the provisions of Legislative Bill 1041, Ninety-fifth Legislature, Second Session, 1998.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Matzke 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 1134.** E & R amendment, AM7210, found on page 779, was adopted.

Mr. Robinson and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Janssen renewed his pending amendment, AM3229, found on page 945.

(Amendments to Standing Committee amendments, AM3137)

1. Insert the following new section:

"Sec. 5. For reorganized districts that are receiving incentive payments pursuant to section 79-1010, in addition to any funding calculated under section 79-1010, 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 sections 79-1005.01, 79-1008.01, and 79-1009, whichever is greater. Payments under this section shall be made from the funds provided for base fiscal year incentive payments under section 79-1010.

If the total amount of payments due under this section

and section 79-1010 to school districts for a school year exceeds the total amount appropriated by the Legislature for base fiscal year incentive payments, the payments pursuant to this section shall be reduced proportionately so that the total amount of aid under this section and section 79-1010 does not exceed such amount. If the total amount of incentive payments to school districts pursuant to section 79-1010 for that school fiscal year exceeds the appropriation for base fiscal year incentive payments, no payments shall be made pursuant to this section and the payments pursuant to section 79-1010 shall be reduced proportionately as provided in section 79-1010.".

2. On page 1, line 5, strike "section 3" and insert "sections 3 and 5".

3. Renumber the remaining sections accordingly.

Messrs. Jensen and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Janssen moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Janssen requested a roll call vote on his amendment.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Bromm | Janssen | Landis | Schellpeper | Tyson |
| Dierks | Jones | Matzke | Schmitt | Witek |
| Hartnett | | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Hillman | Raikes | Thompson |
| Bohlke | Cudaback | Hudkins | Schimek | Wehrbein |
| Brashear | Elmer | Jensen | Schrock | Wesely |
| Bruning | Engel | Kristensen | Stuhr | Wickersham |
| Chambers | Hilgert | Pederson, D. | Suttle | Willhoft |

Present and not voting, 1:

Kiel

Absent and not voting, 1:

Brown

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Maurstad | Peterson, C. | Robak | Vrtiska |
| Coordsen | Pedersen, Dw. | Preister | Robinson | Will |
| Lynch | | | | |

The Janssen amendment lost with 11 ayes, 25 nays, 1 present and not voting, 1 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1134A.** Advanced to E & R for engrossment.

**LEGISLATIVE RESOLUTION 45CA.** E & R amendment, AM7213, printed separately and referred to on page 939, was adopted.

Mr. Wickersham asked unanimous consent to pass over LR 45CA. No objections. So ordered.

**AMENDMENTS - Print in Journal**

Mr. Wehrbein filed the following amendment to LB 1108:
AM3568

1. Insert the following new section:

"Sec. 51. AGENCY NO. 50 -- BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Program No. 48 - Office of the Secretary

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | 70,000 | -0- |
| PROGRAM TOTAL | 70,000 | -0- |

The appropriation provided in this section shall be used for development of a campus master plan for the proposed new site of Peru State College to be transferred to Nebraska City. The master plan shall be prepared by an architectural or engineering firm selected by competitive bid. The campus master plan shall identify (1) the cost of construction of new state facilities, (2) the cost for relocation of movable assets, (3) potential alternate uses of the existing facilities of Peru State College at Peru, (4) private donations available to defray construction costs, and (5) any other information deemed relevant or necessary.

The campus master plan shall be submitted to the Coordinating Commission for Postsecondary Education for review, with a copy presented to the Legislature and the Governor, no later than December 1, 1998.".

2. Renumber the remaining sections accordingly.

Mrs. Witek filed the following amendment to LB 1228:
AM3508

(Amendments to E & R amendments, AM7214)

1. On page 2, line 14, strike "and"; and in line 21 after "taken" insert "; and

(d) Each district in the local system has provided individualized education plans for blind and visually impaired

children that provide for instruction in braille and the use of braille unless the individualized education plan team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, that instruction in braille or the use of braille is not appropriate for the child. The evaluation shall include a current assessment of the blind or visually impaired child's future needs for instruction in braille or the use of braille".

Mrs. Witek filed the following amendment to LB 1228:
AM3509

(Amendments to E & R amendments, AM7214)

1. On page 2, line 14, strike "and"; and in line 21 after "taken" insert "; and

(d) Each district in the local system includes the use of explicit systematic phonics instruction with decodable text as part of the reading curriculum in kindergarten through grade two".

## NOTICE OF COMMITTEE HEARING
**Judiciary**

Monday, March 30, 1998 1:00 p.m.
Nebraska Crime Victims Reparation Committee
Jim Riskowski
Catherine Walters
Ron Tussing

(Signed) Kermit A. Brashear, Chairperson

## UNANIMOUS CONSENT - Members Excused

Messrs. Wickersham and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 924.** Title read. Considered.

Standing Committee amendment, AM3424, printed separately and referred to on page 949, was considered.

Mr. Coordsen offered the following amendment to the Standing Committee amendment:
AM3626

(Amendments to Standing Committee amendments, AM3424)

1. On page 2, strike beginning with "Further" in line 20 through line 27 and insert "Accordingly, the Legislature shall not be limited by the provisions and requirements of sections 1 to 17 of this act. However the Legislature reserves the right to use the

resources established by such sections.".

2. On page 3, strike lines 1 through 3.

3. On page 4, lines 1 and 2; page 6, line 23; and page 8, line 20, strike "by June 30, 1998".

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Coordsen moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Jensen | Preister | Stuhr |
| Brashear | Elmer | Jones | Raikes | Tyson |
| Bromm | Hartnett | Kristensen | Schellpeper | Wickersham |
| Chambers | Hudkins | Landis | Schmitt | Willhoft |
| Coordsen | Janssen | Peterson, C. | Schrock | Witek |
| Cudaback | | | | |

Voting in the negative, 10:

| | | | | |
|---|---|---|---|---|
| Bruning | Hillman | Lynch | Pederson, D. | Thompson |
| Crosby | Kiel | Matzke | Suttle | Will |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Bohlke | Engel | Hilgert | Maurstad | Schimek |
| Brown | | | | |

Absent and not voting, 1:

Wesely

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Robak | Robinson | Vrtiska | Wehrbein |
| Pedersen, Dw. | | | | |

The Coordsen amendment was adopted with 26 ayes, 10 nays, 6 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Coordsen, Hartnett, Raikes, Wickersham, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## AMENDMENTS - Print in Journal

Mr. Preister filed the following amendment to LB 395:
AM3279

(Amendments to Standing Committee amendments, AM1138)

1. On page 2, strike beginning with "municipality" in line 21 through the second comma in line 22 and insert "or"; in line 23 strike "governing or"; strike line 24 and insert "corporation"; and in line 25 after "entity" insert "but person does not mean any governmental agency or political subdivision".

Mr. Lynch filed the following amendment to LB 395:
AM3564

(Amendments to Standing Committee amendments, AM1138)

1. In AM3018, on page 1, line 4, strike "and".
2. On page 3, line 19, after "environment" insert ", and
(e) no confidentiality protections are given under this section with respect to any information regarding any possible workplace health or safety issues".

## RESOLUTION

**LEGISLATIVE RESOLUTION 329.** Introduced by Engel, 17.

WHEREAS, the South Sioux City girls' basketball team is the champion of the 1998 Class B Girls' State Basketball Tournament, repeating their championship success of 1995, 1996, and 1997; and

WHEREAS, the South Sioux City girls' basketball team is the second team to win four straight titles in the history of the Girls' State Basketball Tournament; and

WHEREAS, the 70-56 win over a talented Ogallala team in the final game capped the Lady Cardinals' Girls' Class B State Basketball Tournament Championship; and

WHEREAS, the Lady Cardinals' set the team tournament scoring record with 224 points in three tournament games; and

WHEREAS, Head Coach Kelly Flynn has guided the South Sioux City Lady Cardinals to a 94-2 record for the last four years; 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 South Sioux City Lady Cardinals are positive role models for young athletes in the community and throughout the region; 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-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the South Sioux City Lady Cardinals girls' 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.

## UNANIMOUS CONSENT - Add Cointroducer

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LR 45CA. No objections. So ordered.

## VISITORS

Visitor to the Chamber was Bill Koenig from Lincoln.

## RECESS

At 12:00 noon, on a motion by Speaker 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 Messrs. Maurstad, Vrtiska, Wehrbein, and Ms. Schimek who were excused; and Messrs. Abboud, Engel, Landis, Dw. Pedersen, Robinson, Will, and Mrs. Stuhr who were excused until they arrive.

## SELECT FILE

**LEGISLATIVE BILL 939.** The Chambers specific amendment, FA535, found on page 833 and considered on page 897, was renewed.

Mr. Chambers asked unanimous consent to bracket LB 939 until March 12, 1998.

Mrs. Brown objected.

Mr. Chambers moved to bracket LB 939 until March 12, 1998.

Mr. Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Cudaback | Jones | Lynch | Wesely |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Brashear | Crosby | Hilgert | Kiel | Tyson |
| Brown | Engel | Jensen | Thompson | Witek |
| Bruning | | | | |

Present and not voting, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Kristensen | Raikes | Schrock |
| Beutler | Hartnett | Matzke | Robak | Stuhr |
| Bohlke | Hillman | Pederson, D. | Robinson | Suttle |
| Bromm | Hudkins | Peterson, C. | Schellpeper | Wickersham |
| Coordsen | Janssen | Preister | Schmitt | Willhoft |
| Dierks | | | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Landis | Pedersen, Dw. | Vrtiska | Wehrbein | Will |
| Maurstad | Schimek | | | |

The Chambers motion to bracket failed with 5 ayes, 11 nays, 26 present and not voting, and 7 excused and not voting.

Mr. Chambers withdrew his amendment, FA535.

Readvanced to Final Reading.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 939.**

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend sections 77-4928, 77-4929, and 77-4934.01, Reissue Revised Statutes of Nebraska; to change investment and employment requirements; to harmonize provisions; to provide for applicability; 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 | Bromm | Crosby | Engel | Janssen |
| Beutler | Brown | Cudaback | Hartnett | Jensen |
| Bohlke | Bruning | Dierks | Hilgert | Kiel |
| Brashear | Coordsen | Elmer | Hillman | Kristensen |

| | | | | |
|---|---|---|---|---|
| Landis | Preister | Schellpeper | Suttle | Wickersham |
| Lynch | Raikes | Schmitt | Thompson | Will |
| Pederson, D. | Robak | Schrock | Tyson | Witek |
| Peterson, C. | Robinson | Stuhr | Wesely | |

Voting in the negative, 1:

Chambers

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Hudkins | Jones | Matzke | Willhoft |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Maurstad | Pedersen, Dw. | Schimek | Vrtiska | Wehrbein |

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 939.

## GENERAL FILE

**LEGISLATIVE BILL 924.** The Standing Committee amendment, AM3424, printed separately and referred to on page 949 and considered in this day's Journal, was renewed.

Mr. Bromm offered the following amendment to the Standing Committee amendment:
AM3639

(Amendments to Standing Committee amendments, AM3424)

1. On page 14, line 16, after "Committee" insert "and Transportation Committee"; in line 17 after "shall" insert "jointly"; in line 19 strike "committee" and insert "committees"; and in line 22 strike "its" and insert "the" and strike "Appropriations Committee" and insert "committees".

Messrs. Cudaback, Hilgert, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Bromm amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

**AMENDMENT - Print in Journal**

Mrs. Robak filed the following amendment to LB 1162:
AM3633

1. Insert the following new sections:

"Sec. 83. For purposes of sections 83 to 86 of this act:

(1) Health insurance plan means, notwithstanding section 44-3,131, (a) any individual or group sickness and accident insurance policy or subscriber contract delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and (b) any self-funded employee benefit plan to the extent not preempted by federal law. Health insurance plan includes any policy, contract, or plan offered or administered by the state or its subdivisions;

(2) Mental health condition means any condition or disorder involving mental illness or alcohol or substance abuse that falls under any of the diagnostic categories listed in the Mental Disorders Section of the International Classification of Disease, as periodically revised;

(3) Mental health professional means (a) a practicing physician licensed to practice medicine in this state under the provisions of section 71-102, (b) a practicing psychologist licensed to engage in the practice of psychology in this state as provided in section 71-1,206.14, or (c) a practicing mental health professional licensed or certified in this state as provided in section 71-1,333; and

(4) Rate, term, or condition means any lifetime or annual payment limits, deductibles, copayments, coinsurance, and any other cost-sharing requirements, out-of-pocket limits, visit limits, and any other financial component of a health insurance plan that affects the insured.

Sec. 84. (1) On or after January 1, 1999, any health insurance plan delivered, issued, or renewed in this state shall provide coverage for treatment of a mental health condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a mental health condition than for access to treatment for a physical health condition. Any deductible or out-of-pocket limits required under a health insurance plan shall be comprehensive for coverage of both mental health conditions and physical health conditions.

(2) On or after January 1, 1999, any health insurance plan delivered, issued, or renewed in this state that does not

otherwise provide for management of care under the plan, or that does not provide for the same degree of management of care for all health conditions, may provide coverage for treatment of mental health conditions through a managed care organization if the managed care organization is in compliance with the rules and regulations adopted and promulgated by the Department of Insurance that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. The rules and regulations shall provide that timely and appropriate access to care is available; that the quantity, location, and specialty distribution of health care providers is adequate; and that administrative or clinical protocols do not serve to reduce access to medically necessary treatment for any insured.

(3) A health insurance plan shall be construed to be in compliance with this section if at least one choice for treatment of mental health conditions provided to the insured within the plan has rates, terms, and conditions that place no greater financial burden on the insured than for access to treatment of physical conditions. The Director of Insurance may disapprove any plan that the director determines to be inconsistent with the purposes of this section.

(4) To be eligible for coverage under this section, the health care shall be rendered:

(a) For treatment of mental illness, (i) by a mental health professional, (ii) by a person authorized by the rules and regulations of the Department of Health and Human Services Regulation and Licensure to provide treatment for mental illness, (iii) in a mental health center as defined in section 71-2017.01, or (iv) in any other licensed institution or facility authorized in section 71-2017.01 that provides a program for the treatment of a mental health condition pursuant to a written plan. A nonprofit hospital or a medical service organization may require a health care provider under subdivision (4)(a) of this section to enter into a contract as a condition of providing benefits; and

(b) For treatment of alcohol or substance abuse, (i) by a mental health professional, (ii) by a person authorized by the rules and regulations of the Department of Health and Human Services Regulation and Licensure to provide treatment for alcohol or substance abuse, (iii) in a substance abuse treatment center as defined in section 71-2017.01, or (iv) in any other licensed institution or facility authorized in section 71-2017.01 that provides a program for the treatment of alcohol or substance abuse pursuant to a written plan.

(5) The Department of Insurance and the Department of Health and Human Services Regulation and Licensure shall adopt and promulgate rules and regulations necessary to implement this section.

Sec. 85. On or before December 1, 1999, the Department

of Insurance shall make a written report to the Legislature. The report shall contain the following:

(1) An estimate of the impact of section 84 of this act on health insurance costs;

(2) Actions taken by the department to assure that health insurance plans are in compliance with section 84 of this act and that quality and access to treatment for mental health conditions provided by the plans are not compromised by providing financial parity for such coverage;

(3) When a health insurance plan offers choices for treatment of mental health conditions as provided in subsection (3) of section 84 of this act, an analysis and comparison of those choices in regard to the level of access, choice, and financial burden; and

(4) Identification of any segments of the population of Nebraska that may be excluded from access to treatment for mental health conditions at the level provided in section 84 of this act, including an estimate of the number of Nebraskans excluded from such access under health insurance plans offered or administered by employers who receive the majority of their annual revenue from contract, grants, or other expenditures by state agencies.

Sec. 86. The provisions of section 84 of this act shall not be construed to:

(1) Limit the provision of specialized medicaid covered services for persons with mental health conditions;

(2) Supersede the provisions of federal law, federal or state medicaid policy, or the terms and conditions imposed on any medicaid waiver granted to the state with respect to the provision of services to persons with mental health conditions; or

(3) Affect any annual health insurance plan until its date of renewal or any health insurance plan governed by a collective bargaining agreement or employment contract until the expiration of that contract.".

2. Correct the operative date so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1998, at 2:45 p.m., was the following bill: LB 939.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## NOTICE OF COMMITTEE HEARING
## Transportation

Wednesday, March 18,1998 1:15 p.m.
Motor Carrier Advisory Council
James A. Travalik

Nebraska Motor Vehicle Industry Licensing Board
Stephan Budke
R. James Campbell
Charles T. Grimsley
Mardy McCullough

Nebraska Board of Public Roads Classifications and Standards
Mark J. Dorcey

Nebraska Railway Council
John Rebensdorf
Frank E. Landis
Carl Larsen
Gary Rasmussen

(Signed) Curt Bromm, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 924.** Mr. Bromm offered the following amendment to the Standing Committee amendment:
AM3643
(Amendments to Standing Committee amendments, AM3424)
1. On page 13, line 5, strike "representative" and insert "or more representatives" and strike "project" and insert "private"; and in line 6 after the period insert "The technical panel shall not have more than ten members.".

**MRS. CROSBY PRESIDING**

Mr. Bromm withdrew his amendment.

Mrs. Hillman moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Brashear and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hillman moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 924A.** 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.

## RESOLUTION

**LEGISLATIVE RESOLUTION 330.** Introduced by Robak, 22.

WHEREAS, the 1998 Class C-1 State High School Girls' Basketball Championship was won by Scotus Central Catholic High School of Columbus, Nebraska; and

WHEREAS, with the 1998 championship the Shamrocks won their third consecutive Class C-1 basketball title; and

WHEREAS, the Shamrocks defeated the North Bend Tigers 46-29 for the title; and

WHEREAS, Scotus Central Catholic High School became the first school in state history to win three consecutive titles in both volleyball and girls' basketball over the same three-year period.

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

1. That the Legislature extends its congratulations and best wishes to Coach John Peterson, the assistant coaches, and the members of the team.

2. That a copy of this resolution be sent to Scotus Central Catholic High School.

Laid over.

## AMENDMENTS - Print in Journal

Mrs. Robak and Mr. Tyson filed the following amendment to LB 922:
AM3628

1. On page 98, line 19, strike "eighty", show as stricken, and insert "twenty".

Mr. Jones filed the following amendment to LB 924:
FA569

Strike the emergency clause.

## GENERAL FILE

**LEGISLATIVE BILL 1173.** Title read. Considered.

Standing Committee amendment, AM3488, found on page 950, was considered.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA572

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $2,500,000 from the General Fund for FY1998-99 and (2) $2,500,000 from the General Fund for FY1999-00 to Agency 83 -- Aid to Community Colleges, for Program 99, to be distributed by the Department of Administrative Services through a grant for the construction of a center for excellence in electronics. The center shall conduct training in applied electronics technology, and evaluation and testing of electronics equipment pursuant to the first, third, and fourth instructional and service priorities of section 85-962.

The grant shall be based on a proposal submitted by a community college area to the Nebraska Community College Aid, Grant, and Contract Review Committee. Subsequent recommendations for the award of the grant shall be reported by the committee to the Director of Administrative Services. The recommendations shall not in the aggregate exceed the General Fund amount appropriated in this section.

Sec. 2. It is the intent of the Legislature that the appropriation provided in section 1 of this act be the maximum amount of state funds applied to this project. All costs of the center greater than such appropriation shall be funded from nonstate sources. The costs of the center greater than such appropriation shall include costs of operation, maintenance, and necessary upgrading of equipment. Nonstate sources for the purpose of this section and sections 4 and 7 of this act means fees, grants, and contributions from individuals, corporations, companies, and associations for the evaluation and testing of electronics equipment.

Sec. 7. The community college area receiving the grant pursuant to section 1 of this act shall report to the Legislature by December 31 of each year on the financial condition of the center, funding received from nonstate sources, training conducted, and testing and evaluation services provided.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.".

Messrs. Dierks, Hartnett, and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Preister, Bruning, Mmes. Kiel, Witek, and Robak asked unanimous consent to be excused. No objections. So ordered.

Pending.

**AMENDMENTS - Print in Journal**

Mr. Hartnett filed the following amendment to LB 1108:
AM3638

(Amendments to Standing Committee amendments, AM3432)

1. On page 1, line 2, strike "94,".
2. Renumber the remaining sections accordingly.

Mr. Wesely filed the following amendment to LB 1108:
AM3673

1. Insert the following new section:

"Sec.35. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT

Program No. 514 - Health Aid

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | -0- | 500,000 |
| PROGRAM TOTAL | -0- | 500,000 |

(1) The Legislature finds that members of Nebraska's federally recognized Native American tribes are not receiving adequate basic public health services, especially in the areas of education and prevention. The leading causes of death among Native American people are largely preventable. Many Native American people suffer from preventable diseases such as diabetes, cardiovascular disease, and alcohol-related fatalities. An alarming number of tribal members engage in health-threatening activities such as smoking, substance abuse, and poor diet. Births to teenaged Native Americans are higher than any other racial group. Unintentional injuries are costing Native American people years of productivity and potential. As a result, the life expectancy among Native Americans is low while the infant mortality rate is high when compared to Nebraska's general population. The problems and future costs associated with a lack of adequate public health services will continue to escalate as seventy percent of tribal members on reservations and in service areas are children. To protect a generation of Native American children and to provide for a safe, healthy future for future generations of Native American people, the Legislature declares that public health infrastructure focusing on health education and preventative health measures for Native Americans must be addressed.

(2) The Native American Public Health Fund is created. The fund may include revenue from appropriations from the Legislature, grants, private contributions, and all other sources. It is the intent of the Legislature that each year beginning with fiscal year 1998-99, five hundred thousand dollars shall be transferred from the General Fund to the Native American Public Health Fund. The fund shall be administered by the Department of Health and Human Services.

(3) The Department of Health and Human Services shall use the Native American Public Health Fund to contract with the health clinics of Nebraska's federally recognized Native American tribes and Indian health organizations to provide educational and public health services targeted to Native American populations. The following educational and public health services may be considered by the department for such contracts:

(a) Identification and enrollment of children in state and federal programs providing access to health insurance or health care;

(b) Efforts to educate children and adults about the health risks associated with smoking and tobacco use, alcohol abuse, and other substances that threaten health and well-being and other activities designed to reduce the rate of substance abuse;

(c) Prenatal care education for women and notification of programs that improve prenatal care;

(d) Education focusing on proper diet and the importance of physical activity to good health;

(e) Blood pressure and cholesterol screenings;

(f) Support of efforts to identify children and adults at risk for depression and other mental health conditions and provide mental health counseling to prevent suicide;

(g) Parenting classes and the promotion of such programs;

(h) Efforts to discourage drinking and driving and to encourage the use of seat belts;

(i) Tests and education for acquired immunodeficiency syndrome and other sexually transmitted diseases;

(j) Tests for pregnancy and referrals to prenatal care when directed;

(k) Educational efforts aimed at reducing teen pregnancies and other unintended pregnancies;

(l) Case management for pregnant women, children, or adults with special health care needs;

(m) Efforts to make health care prevention services more affordable or accessible;

(n) Matching funds for state and federal programs designed to address public health needs;

(o) Staffing needs for public health services or education including the recruitment and training of Native American providers;

(p) Cervical and breast cancer detection services and

other prevention components of comprehensive women's health services;

(q) Education to prevent and reduce the occurrence of diabetes; and

(r) Other prevention or educational activities or programs that address the health, safety, or self-sufficiency of Native American persons.

(4) During each fiscal year, the Director of Health and Human Services shall contract with the health clinics of Nebraska's federally recognized Native American tribes as approved by the tribal councils and Indian health organizations to provide educational and public health services pursuant to subdivision (3) of this section. The director shall fund all eligible contracts until the Native American Public Health Fund is depleted, but shall give priority to contracts which meet the following criteria:

(a) Programs or activities that directly impact the health and well-being of children;

(b) Programs or activities which serve the greater number of people over the longest period of time;

(c) Programs or activities that are part of a larger plan for strategic public health planning and implementation;

(d) Current programs or activities that have demonstrated success in improving public health or new programs or activities modeled on successful programs and activities; and

(e) Programs or activities that focus on primary prevention and show promise in reducing future health care expenditures.

(5) The Department of Health and Human Services shall provide technical assistance and assessment of needs evaluations upon request to aid tribal councils in the development of contract proposals.

(6) The Director of Health and Human Services shall equally distribute four hundred thousand dollars of the Native American Public Health Fund to each of the four federally recognized Native American tribes. If no contract proposals fitting the criteria of subdivision (4) of this section are submitted, the tribe's share of the funds may be held by the director until such time that an adequate contract can be negotiated. The director shall distribute the remaining one hundred thousand dollars to any federally recognized tribes or Indian health organizations whose proposed educational and public health services contracts best meet the criteria of subdivision (4) of this section.

(7) The recipients of the Native American Public Health Fund shall submit a report on the activities funded each fiscal year. The report shall provide information as required by the Director of Health and Human Services to determine the effectiveness of the contract in providing the services described in subdivision (3) of this section.

(8) If the Director of Health and Human Services determines that services are not being delivered in accordance with the contract, the director may seek to recapture all or a portion of funds expended.

(9) The Department of Health and Human Services shall adopt and promulgate rules and regulations to carry out this section and shall adhere to already established or adopted and promulgated rules and regulations for contracted services under this section.

(10) The Legislature intends for the Native American Public Health Fund to supplement federal efforts to provide health care services to the members of Nebraska's federally recognized Native American tribes. Nothing in this section shall be construed as legislative intent to replace or pre-empt the federal government's current or future responsibility for providing health care services to Nebraska's federally recognized Native American tribes.".

## STANDING COMMITTEE REPORT
## Appropriations

**LEGISLATIVE BILL 1107.** Placed on General File.

(Signed) Joyce Hillman, Vice Chairperson

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 939.

(Signed) Dwite A. Pedersen

## UNANIMOUS CONSENT - Add Cointroducer

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1189. No objections. So ordered.

## VISITORS

The Doctor of the Day was James K. Blomgren from Lincoln.

## ADJOURNMENT

At 5:10 p.m., on a motion by Mr. Robinson, the Legislature adjourned until 9:00 a.m., Wednesday, March 11, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FORTY-SECOND DAY – MARCH 11, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 11, 1998

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. Maurstad and Ms. Schimek who were excused; and Messrs. Abboud, Brashear, Landis, Lynch, Dw. Pedersen, Will, Mmes. Brown, Kiel, and Witek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 986, line 30, strike "offered the following amendment:" and insert "renewed his pending amendment, AM3229, found on page 945."
The Journal for the forty-first day was approved as corrected.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1333.** Placed on Select File as amended.
E & R amendment to LB 1333:
AM7220

1. In the Standing Committee amendments, AM3177, on page 12, line 25, strike "Section 5 of this act becomes" and insert "Sections 5 and 7 of this act become".

2. On page 1, strike lines 3 through 7 and insert ", 60-3004, 60-3005, and 60-3007, as amended by sections 8, 10, 11, and 13, respectively, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998; to redefine truck for purposes of motor vehicle registration, taxes, and fees; to provide duties for the Department of Motor Vehicles; to change provisions relating

to motor vehicle taxes and fees; to provide operative dates; and to repeal the original sections.".

**LEGISLATIVE BILL 1333A.** Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORT
## Education

**LEGISLATIVE BILL 1176.** Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 939.

(Signed) Roger R. Wehrbein

## RESOLUTION

**LEGISLATIVE RESOLUTION 331.** Introduced by Kristensen, 37.

WHEREAS, the Kearney High School Wrestling Team won the 1998 Class A Nebraska State Wrestling Championship by setting state-meet records of 196 points and 19 pins; and

WHEREAS, this is the first state wrestling title in the forty-year history of the Kearney High School wrestling program; and

WHEREAS, the Kearney High School Wrestling Team had nine medalists and was led by three-time state champion David Miller and first-time state champion Lance Tolstedt. Other medal winners included second-place medalists Josh Robinson, Jeff Coe, and Tony Rodriguez; third-place medalists Rob Bishop, Frank Kuchera, and Mark Jacobson; and fourth-place medalist Brett Smith. Points were also scored by team members Josh Bauer and Travis Anderson which contributed to the State-meet record; and

WHEREAS, the Kearney High School Wrestling Team is coached by Tom McCann, a twenty-eight-year veteran coach, and his assistants, Mike Fleshman and Dennis Miller; and

WHEREAS, the dedication and hard work of the team members and their coaches on and off the mat, as well as the support of their families and the community, exemplifies the spirit of competition, good sportsmanship, and cooperation.

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

1. That the Legislature congratulates the Kearney High School Wrestling Team for its outstanding accomplishment.

2. That a copy of this resolution be sent to the Kearney High School Wrestling Team and Coach McCann.

Laid over.

## ANNOUNCEMENT

The Speaker announced today is Senator Raikes' birthday.

## GENERAL FILE

**LEGISLATIVE BILL 1108.** Title read. Considered.

The Standing Committee amendment, AM3432, printed separately and referred to on page 959, was considered.

Messrs. Dierks, Hilgert, Tyson, and Jones offered the following amendment to the Standing Committee amendment:
AM3642

(Amendments to Standing Committee amendments, AM3432)

1. On page 28, line 20, after the second semicolon insert "and" and strike beginning with the semicolon in line 21 through the final quotation marks in line 24.

Messrs. Bruning, Hartnett, Vrtiska, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks asked unanimous consent to replace the Dierks et al. pending amendment, AM3642, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Dierks withdrew the Dierks et al. amendment, AM3642, found in this day's Journal.

Mr. Jensen offered the following substitute amendment to the Standing Committee amendment:
FA575

On page 28, line 24, after the period, insert

"Included in the appropriation to this program for FY 1998-99 is $365,000 in General Funds, which shall only be used for the following purposes: reimbursement for the provision of pap smears, colposcopy, cervical biopsy, cryotherapy, loop electrosurgical excision procedure (LEEP) and such other treatments and procedures as may be developed for the follow-up of abnormal pap smears; the diagnosis and treatment of sexually transmitted diseases, including, but not limited to, chlamydia, gonorrhea, HPV (genital warts), and herpes; associated laboratory and equipment costs and staff training costs relating to the use of colposcopy equipment. None of the funds under this program shall be used to perform or facilitate the performance of abortion, or to counsel or refer for abortion."

Messrs. Bruning and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. D. Pederson 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 Jensen amendment was adopted with 30 ayes, 1 nay, 8 present and not voting, and 10 excused and not voting.

Messrs. Coordsen, Landis, and Raikes asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 3 present and not voting, and 12 excused and not voting.

Mrs. C. Peterson, Messrs. D. Pederson, Brashear, Beutler, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein withdrew his amendment, AM3568, found on page 988.

Mr. Wesely renewed his pending amendment, AM3673, found on page 1001.

Mrs. Hillman offered the following amendment to the Wesely pending amendment:
AM3688

(Amendments to AM3673)

1. On page 5, line 14, after "organizations" insert "or other public health organizations that have a substantial Native American clientele".

Mrs. Thompson, Messrs. Janssen, and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

**AMENDMENT - Print in Journal**

Mr. Will filed the following amendment to LB 204:
AM3644

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. Section 29-2264, Revised Statutes Supplement, 1997, is amended to read:

29-2264. (1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of his or her probation for the entire period or is discharged from probation prior to the termination of the period of probation, the sentencing court shall issue an order releasing the offender from probation, and such order shall in all felony cases restore the offender's

civil rights.

(2) Whenever any person is convicted of a misdemeanor or felony and is placed on probation by the court or is sentenced to a fine only, he or she may, after satisfactory fulfillment of the conditions of probation for the entire period or after discharge from probation prior to the termination of the period of probation and after payment of any fine, petition the sentencing court to set aside the conviction and, in the court's discretion, expunge the conviction from such person's record. For purposes of this section, expungement means a court order which seals the records and prohibits either the disclosure of the existence of such records or the opening of such records unless such disclosure or opening is authorized by a court order. Government officials or employees in the course of their official duties may open and examine records expunged under this section without obtaining a court order.

(3) In determining whether to set aside the conviction, expunge the records, or set aside the conviction and expunge the records, the court shall consider:

(a) The behavior of the offender after sentencing;

(b) The likelihood that the offender will not engage in further criminal activity; and

(c) Any other information the court considers relevant.

(4) The court may grant the offender's petition and issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. The order shall:

(a) Nullify the conviction; and

(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction.

(5) The setting aside of a conviction in accordance with the Nebraska Probation Administration Act shall not:

(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;

(b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;

(c) Preclude proof of the conviction as evidence of the commission of the misdemeanor or felony whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;

(d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;

(e) Preclude the proof of the conviction as evidence of the commission of the misdemeanor or felony in the event an offender is charged with a subsequent offense and the penalty

provided by law is increased if the prior conviction is proved;

(f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the Nebraska Probation Administration Act; or

(g) Preclude use of the conviction as evidence of commission of the misdemeanor or felony for purposes of determining whether an application filed or a license issued under sections 71-1901 to ~~71-1905~~ 71-1906.02 or 71-1908 to 71-1917 should be denied, suspended, or revoked.

(6) This section shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to, on, or subsequent to June 11, 1993.".

2. On page 1, line 1, strike "sex offenders" and insert "criminal records"; in line 2 after "1996" insert ", and section 29-2264, Revised Statutes Supplement, 1997; to authorize the expungement of criminal convictions"; and in lines 3 and 4 after "certain" insert "sex offender".

3. On page 6, line 4, after "1996" insert ", and section 29-2264, Revised Statutes Supplement, 1997".

4. Renumber the remaining sections accordingly.

## VISITORS

Visitors to the Chamber were 24 seniors from Nebraska Christian School, Central City.

## RECESS

At 11:58 a.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Maurstad and Ms. Schimek who were excused; and Messrs. Engel, Hartnett, Janssen, Landis, Lynch, Matzke, D. Pederson, Raikes, Robinson, Schellpeper, Tyson, Willhoft, Mmes. Kiel, and Robak who were excused until they arrive.

## UNANIMOUS CONSENT - Member Excused

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

## SELECT COMMITTEE REPORT
## Enrollment and Review

### Correctly Engrossed

The following bill was correctly engrossed: LB 988.

(Signed) Jon C. Bruning, Chairperson

## MESSAGE FROM THE GOVERNOR

March 11, 1998

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 March 10, 1998.

This bill was signed by me on March 11, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

## GENERAL FILE

**LEGISLATIVE BILL 1108.** Mrs. Hillman withdrew her amendment, AM3688, found in this day's Journal.

Mr. Wesely withdrew his amendment, AM3673, found on page 1001 and considered in this day's Journal.

Messrs. Wesely, Chambers, and Mrs. Hillman offered the following amendment:
AM3710

1. Insert the following new section:

"Sec. 35. AGENCY NO. 26 – DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT

Program No. 514 - Health Aid

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | -0- | 500,000 |
| PROGRAM TOTAL | -0- | 500,000 |

It is the intent of the Legislature that the Director of

Health and Human Services shall equally distribute $400,000 of this appropriation to each of the four federally recognized Native American tribes for health education and prevention activities. The remaining $100,000 may be distributed to any federally recognized tribe, Indian health organization, or other public health organizations that have a substantial Native American clientele for health education and prevention activities.".

2. Renumber the remaining sections accordingly.

Mr. Wesely moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Wesely-Chambers-Hillman amendment was adopted with 29 ayes, 4 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
AM3709

1. On page 59, line 21, strike "69,366,734" and insert "69,524,610"; in line 27 strike "76,262,350" and insert "76,420,226"; and in line 28 strike "40,180,946" and insert "40,293,350".

2. On page 60, after line 15 insert

"There is included in the appropriation to this program $157,876 General Funds and $112,404 Salary Limit for FY1998-99 for approximately four full-time equivalent interpreters at existing Department of Correctional Services facilities, which shall only be used for such purpose.".

The Chambers amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1110.** Title read. Considered.

The Standing Committee amendment, AM3570, found on page 950, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mrs. Hillman and Mr. Wehrbein offered the following amendment:
AM3636

1. Insert the following new section:

"Sec. 4. It is the intent of the Legislature that all technology infrastructure projects undertaken by an educational service unit, regardless of funding source, follow the review process established in Legislative Bill 924, Ninety-fifth

Legislature, Second Session, 1998, including the review and prioritization by the education council, review by the technology panel, and review and prioritization by the Nebraska Information Technology Commission.".

2. On page 2, lines 3 and 4, strike "section 3" and insert "sections 3 and 4".

3. Renumber the remaining section accordingly.

Mrs. Kiel asked unanimous consent to be excused. No objections. So ordered.

Mr. Bromm offered the following amendment to the Hillman-Wehrbein pending amendment:
FA576
Amend AM3636
Line 4; strike "regardless of funding" and insert "funded by the appropriation in LB 1110"

Mr. Bromm withdrew his amendment.

Mrs. Hillman withdrew the Hillman-Wehrbein amendment, AM3636.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 1110A.** Title read. Considered.

Mr. Wehrbein offered the following amendment:
AM3657

1. Insert the following new section:

"Sec. 2. The appropriation in section 1 of this act is based on a basic allowable growth rate as provided in section 79-1025 of three percent. If section 79-1025 is amended during the 1998 legislative session to change the basic allowable growth rate to two and one-half percent, the appropriation in section 1 of this act for FY1999-00 shall be reduced to $9,942,500 and that shall be the amount for state aid.".

2. Renumber the remaining section accordingly.

Mr. Jones and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

## MESSAGE FROM THE GOVERNOR

March 11, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Board of Educational Lands and Funds:

APPOINTEE: Mr. Robert M. Martin, 2526 So. 109th Street, Omaha, NE 68144

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 332.** Introduced by Schrock, 38.

WHEREAS, the Hildreth girls' basketball team won the Class D-2 State Basketball Tournament; and

WHEREAS, this title is the first girls' basketball title in the school's history; 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-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Hildreth girls' basketball team be congratulated for their excellent effort this season and in winning the Class D-2 State Basketball Tournament.

2. That a copy of this resolution be sent to Coach Jack Mahler and the Hildreth girls' basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 333.** Introduced by Lynch, 13.

WHEREAS, the Omaha North High School girls' basketball team won the Class A Girls' State High School Basketball Championship with a fifty-seven to forty-eight victory over Lincoln Southeast High School; and

WHEREAS, this was the Omaha North High School girls' basketball team's first state tournament victory; and

WHEREAS, the Omaha North High School girls' basketball team won twenty-one of twenty-three games played this season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth in our state.

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

1. That the Omaha North High School girls' basketball team be congratulated for their exemplary effort this season and in the Girls' State High School Basketball Tournament.

2. That a copy of this resolution be sent to Coach Thomas Lee and Omaha North High School.

Laid over.

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 1028.** Placed on General File as amended.
Standing Committee amendment to LB 1028:
AM3654

1. Insert the following new section:

"Sec. 4. Section 77-2715.07 Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.07. (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by ~~sections 77-2714 to 77-27,123~~ the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(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 qualified resident individuals against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) For such individuals who have federal adjusted gross incomes of greater than twenty-five thousand dollars, a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended; and

(b) For such individuals who have federal adjusted gross incomes of twenty-five thousand dollars or less, a refundable credit equal to one hundred percent of the federal credit allowable under section 21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal income tax liability.

(3) There shall be allowed to all individuals as a nonrefundable credit against the income 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)~~ (4) There shall be allowed as a credit against the income 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.".

2. On page 10, line 13, strike "3 and 6" and insert "4 and 7"; and in line 18 after "Original" insert "section 77-2715.07, Reissue Revised Statutes of Nebraska, and".

3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 914.** Indefinitely postponed.
**LEGISLATIVE BILL 929.** Indefinitely postponed.
**LEGISLATIVE BILL 992.** Indefinitely postponed.
**LEGISLATIVE BILL 994.** Indefinitely postponed.
**LEGISLATIVE BILL 1014.** Indefinitely postponed.
**LEGISLATIVE BILL 1036.** Indefinitely postponed.
**LEGISLATIVE BILL 1037.** Indefinitely postponed.
**LEGISLATIVE BILL 1099.** Indefinitely postponed.
**LEGISLATIVE BILL 1177.** Indefinitely postponed.
**LEGISLATIVE BILL 1329.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

## AMENDMENTS - Print in Journal

Mr. Janssen filed the following amendment to LB 999:
AM3698

(Amendments to Standing Committee amendments, AM3395)

1. Insert the following new section:

"Section 1. Section 53-178.01, Reissue Revised Statutes of Nebraska, is amended to read:

53-178.01. No licensee shall sell alcoholic liquor, including beer, to any person for consumption off the licensed premises while such person is in any manner within any motor

vehicle. This section shall not apply to sales to handicapped persons in a motor vehicle displaying a current handicapped license plate issued by the Department of Motor Vehicles or to sales conducted completely within a licensed liquor retail establishment which provides motor vehicle access directly through the building.".

2. On page 6, line 22, after "sections" insert "53-178.01,".

3. Renumber the remaining sections accordingly.

Mr. Hilgert filed the following amendment to LB 999:
AM3700

(Amendments to Standing Committee amendments, AM3395)

1. Insert the following new section:

"Sec. 3. Section 53-180.07, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.07. (1) In any prosecution of or any proceeding against any licensee or any employee of a licensee charged with having made a sale of alcoholic liquor to a minor, proof of the following shall be an absolute defense to the charge:

~~(1)(a)~~ (a)(i) The purchaser falsely represented in writing and supported with other documentary proof that he or she was of legal age to purchase alcoholic liquor;

~~(b)~~ (ii) The appearance of such purchaser was such that an ordinary and prudent person would believe that such appearance conformed to any documentary description of appearance presented by the purchaser; and

~~(c)~~ (iii) The seller was acting in good faith, in reliance upon the written representation, other documentary evidence, and the appearance of the purchaser, and in the belief the purchaser was of legal age to make such purchase; or

~~(2)~~ (b) The seller was acting with the knowledge of and in cooperation with a duly authorized law enforcement officer.

(2) If a licensee or employee of a licensee is charged with having made a sale of alcoholic liquor to a minor, the minor involved in the purchase or attempted purchase shall be (a) charged for such violation of the Nebraska Liquor Control Act as is appropriate or (b) referred to the juvenile court or the county court sitting as a juvenile court for appropriate proceedings under the Nebraska Juvenile Code. If such minor is not charged or referred or is charged or referred and acquitted or such charge is dismissed, all charges and proceedings against the licensee or employee charged with having made such sale shall be dismissed with prejudice.

(3) Subsection (2) of this section shall not apply to (a) any sale made with the knowledge of and in cooperation with a duly authorized law enforcement officer or (b) any action in which the minor is released to a pretrial diversion program for treatment or education under the direction of any law enforcement agency, the

juvenile court, or the county court sitting as a juvenile court when the action results in charges not being filed or charges being dismissed upon completion of the program.".

2. On page 6, line 22, after the last comma insert "53-180.07,".

3. Renumber the remaining sections accordingly.

Mrs. Robak filed the following amendment to LB 999:
AM3702

(Amendments to Standing Committee amendments, AM3395)

1. On page 6, line 8, after the period insert "No suspension under this section shall be for a period exceeding five days for any violation involving the joint efforts of law enforcement, other governmental or private agencies or entities, and other persons in which the licensee is induced to commit the violation on which the order of suspension is based.".

## UNANIMOUS CONSENT - Members Excused

Mr. Brashear and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 63.** Title read. Considered.

The Standing Committee amendment, AM3560, found on page 948, was considered.

**MRS. CROSBY PRESIDING**

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 1107.** Title read. Considered.

Mr. Tyson 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. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 1193.** Messrs. Matzke and Wickersham renewed their pending amendment, FA557, found on page 920.

Mmes. Suttle, Hillman, and Mr. Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Messrs. Matzke and Wickersham withdrew their amendment.

Messrs. Elmer and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham offered the following amendment:
FA577
on page 5 line 4 strike "the Secretary of State and"

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

Mr. Wickersham moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Dierks requested a roll call vote on the Wickersham amendment.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Jensen | Pederson, D. | Vrtiska | Will |
| Brashear | Lynch | Raikes | Wehrbein | Witek |
| Bruning | Matzke | Robinson | Wickersham | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Beutler | Hilgert | Landis | Schmitt | Thompson |
| Bromm | Hudkins | Peterson, C. | Schrock | Wesely |
| Coordsen | Janssen | Preister | Stuhr | Willhoft |
| Dierks | Kristensen | Schellpeper | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brown | Chambers | Engel | Hartnett | Jones |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Maurstad | Robak | Suttle |
| Crosby | Hillman | Pedersen, Dw. | Schimek | Tyson |
| Cudaback | Kiel | | | |

The Wickersham amendment lost with 14 ayes, 18 nays, 5 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 27 ayes, 2 nays, 8 present and not voting, and 12 excused and not voting.

**UNANIMOUS CONSENT - Members Excused**

Messrs. Robinson, Beutler, Bromm, Bruning, Schrock, Preister, and Mrs. Stuhr asked unanimous consent to be excused. No objections. So ordered.

**STANDING COMMITTEE REPORT**
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 1321.** Placed on General File as amended.
(Standing Committee amendment, AM3418, 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 M. Landis, Chairperson

**SELECT COMMITTEE REPORT**
**Enrollment and Review**

**Correctly Engrossed**

The following bill was correctly engrossed: LB 1035.

(Signed) Jon C. Bruning, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Preister filed the following amendment to LB 395:
AM3631
(Amendments to Standing Committee amendments, AM1138)

1. On page 1, strike lines 15 through 21 and insert the following:

"(1) Environmental audit means a systematic, documented, periodic, and objective review of facility operations and practices in the state conducted after July 15, 1998, pursuant to a plan or protocol that is designed to identify and prevent noncompliance and to improve compliance with statutes, regulations, ordinances,

permits, and orders. An environmental audit shall be conducted by an owner or operator, by an owner or operator's employees, or by an independent contractor. An environmental audit may include:

(a) One or more facilities;

(b) Any activity at one or more facilities;

(c) Impacts on one or more environmental media at a facility or facilities; or

(d) Environmental management systems related to a facility, an activity, or an impact on environmental media.

Environmental audit does not include an internal evaluation, assessment, or review of a business or facility conducted solely in anticipation of the purchase, sale or transfer of the business or facility. Nothing in this definition shall be construed to authorize an uninterrupted environmental media.

(2) Environmental audit report means a set of documents each dated and labeled "Environmental Audit Report" or a substantially equivalent label, prepared as a result of an environmental audit that includes the analysis, conclusions, and recommendations resulting from an environmental audit, but does not include data obtained in, or testimonial evidence concerning, the environmental audit;" and in line 22 strike "(b)" and all amendments thereto and insert "(3)".

2. On page 2, line 10, strike "(c)" and all amendments thereto and insert "(4)"; in line 18 after the semicolon insert "and"; in line 19 strike "(d)" and all amendments thereto and insert "(5)"; in line 25 strike "; and" and insert a period; and strike lines 26 and 27.

3. On page 3, strike lines 1 through 7; in lines 8, 20, and 27 after "audit" insert "report"; and in lines 14, 15, and 17 strike "audit" and insert "report".

4. On page 4, lines 2 and 12; page 5, lines 14, 18, 20, and 25; and page 6, lines 4 and 6, after "audit" insert "report".

5. On page 4, lines 11, 14, and 23, after "audit" insert "or environmental audit report".

6. On page 4, line 6; and page 5, lines 22 and 24, after "audit" insert "and environmental audit report".

7. On page 7, lines 3 and 20, strike "voluntary self-evaluation" and insert "environmental audit".

Messrs. Wickersham and Chambers filed the following amendment to LR 45CA:

AM3687

(Amendments to E & R amendments, AM7213)

1. On page 2, line 11, strike "townships," and show as stricken.

2. On page 4, lines 18, 22, and 25, after "merger" insert "or consolidation"; and in line 23 after "merged" insert "or consolidated".

3. On page 5, line 1, after the underscored period

insert "If the Legislature provides for the merger or consolidation of one or more municipalities with one or more counties, the Legislature shall provide for the reversal of the merger or consolidation. No such reversal shall occur without voter approval. The vote shall be tabulated in each municipality which is proposed to be created by the reversal separately from the areas outside the boundaries of the proposed municipalities. If the reversal is not approved by a majority of voters voting in the election in the area within the boundaries of any proposed municipality or the areas outside the proposed municipalities, the reversal shall be deemed rejected.".

Mrs. Bohlke filed the following amendment to LB 1229A:
AM3656

1. Insert the following new section:

"Sec. 2. The appropriation in section 1 of this act is based on a basic allowable growth rate as provided in section 79-1025 of three percent. If section 79-1025 is amended during the 1998 legislative session to change the basic allowable growth rate to two and one-half percent, the appropriation in section 1 of this act for FY1999-00 shall be reduced to $6,167,850 and the amount earmarked for state aid shall be reduced to $6,150,000.".

## RESOLUTION

**LEGISLATIVE RESOLUTION 334.** Introduced by Vrtiska, 1.

WHEREAS, the Falls City Sacred Heart girls' volleyball team won the Class D-1 High School Championship; and

WHEREAS, the Falls City Sacred Heart girls' basketball team completed an undefeated season by winning the Class D-1 High School Championship; and

WHEREAS, only six high schools in state history have won championships in both girls' basketball and volleyball in the same year.

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

1. That the Falls City Sacred Heart girls' basketball team, Coach Dennis Prichard, and the parents of the team members receive special recognition and commendation for their unique and exemplary achievement.

2. That a copy of this resolution be sent to Falls City Sacred Heart High School.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 1086.** Title read. Considered.

Mr. Will withdrew his motion, found on page 855, to return LB 1086 to the

General Affairs Committee.

Mr. Will withdrew his motion, found on page 855, to bracket LB 1086 until April 16, 1998.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM3394, found on page 815, was considered.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA578

1. Strike the original sections and insert the following new sections:

"Section 1. Section 2-1203, Revised Statutes Supplement, 1996, is amended to read:

2-1203. The State Racing Commission shall have power to prescribe and enforce rules and regulations governing horseraces and race meetings licensed as provided in sections 2-1201 to 2-1242. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking track licenses and licenses for teleracing facilities and telephonic wagering and setting racing dates.

The commission may revoke or suspend licenses issued to racing industry participants and may, in lieu of or in addition to such suspension or revocation, impose a fine in an amount not to exceed one thousand dollars upon a finding that a rule or regulation has been violated by a licensed racing industry participant. The exact amount of the fine shall be proportional to the seriousness of the violation and the extent to which the licensee derived financial gain as a result of the violation. ~~All fines shall be paid into a fund for alcohol and drug rehabilitation services for horseracing industry participants, which fund is hereby created.~~

The commission may delegate to a board of stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of sections 2-1201 to 2-1242. Any decision or action of such board of stewards may be appealed to the commission or reviewed by the commission on its own initiative.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA582
Amend FA578
Page 1, line 15, strike and show as stricken, "one", and insert "ten".

Mr. Brashear asked unanimous consent to be excused. 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.

The Chambers amendment was adopted with 26 ayes, 1 nay, 4 present and not voting, and 18 excused and not voting.

The Chair declared the call raised.

The first Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

Pending.

## AMENDMENTS - Print in Journal

Messrs. Schellpeper and Will filed the following amendment to LB 1086:
AM3711
(Amendments to Standing Committee amendments, AM3394)

1. On page 4, strike beginning with "The" in line 12 through line 19 and insert "Nothing in this section shall prevent a racetrack from agreeing to distribute additional funds for purse supplements and breeder and stallion awards at a racetrack conducting a live race meet pursuant to an agreement between the racetrack and the organization representing the majority of the thoroughbred breeders in Nebraska which has been approved by the State Racing Commission. The period of the live race meet shall be the days when the racetrack actually conducts live horseraces at its racetrack. In the event more than one racetrack is conducting live racing on the same day or days, the amount distributed shall be equally divided among such racetracks during such time period.".

Mr. Chambers filed the following amendment to LB 1086:
FA583
Amend FA579
Page 2, line 19, after "commission", put a period and strike remaining new language.

## VISITORS

Visitors to the Chamber were Dana Knight from Southeast High School, Lincoln; and Senator Chris Peterson's daughter, Anastacia.

The Doctor of the Day was Bruce Gfeller from Lincoln.

## ADJOURNMENT

At 5:23 p.m., on a motion by Mr. Hilgert, the Legislature adjourned until 9:00 a.m., Thursday, March 12, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

Printed on recycled paper

# FORTY-THIRD DAY - MARCH 12, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 12, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Bill Thornton, Capitol City Christian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Maurstad and Ms. Schimek who were excused; and Messrs. Abboud, Brashear, Dierks, Elmer, Matzke, Robinson, Schrock, Will, Mmes. Bohlke, Brown, Crosby, Kiel, C. Peterson, and Witek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 1007, line 33, strike "MPV" and insert "HPV".
The Journal for the forty-second day was approved as corrected.

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 11, 1998, 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
McGuire, Mark D. - Lincoln; Crow Butte Resources, Inc.
Scudder, Mark A. - Lincoln; UMB Bank, n.a.

## MESSAGE FROM THE GOVERNOR

March 12, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Power Review Board:

APPOINTEE: Louis E. Lamberty, 320 North 68th Street, Omaha, NE 68132

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## GENERAL FILE

**LEGISLATIVE BILL 1173.** The first Standing Committee amendment, FA572, found on page 1000, was renewed.

Messrs. Brashear, Bromm, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

The first Standing Committee amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The second Standing Committee amendment is as follows:
FA573

Sec. 3. The proposal submitted by a community college area under section 1 of this act shall include an operating plan for the center. The operating plan shall show financial commitments from nonstate sources and reasonably estimated revenue to provide the operation, maintenance, and necessary upgrading of equipment for a period of at least one year beyond the time that the operating plan shows a positive cash flow. The plan shall include a review by a financial analyst on the plan's reasonableness.

Sec. 6. Following any year the center shows a net positive cash flow, the center shall annually set aside into a

reserve fund an amount equal to sixty-seven percent of its net income less debt repayment for that year. The reserve fund shall be available to the center for capital investment consistent with the purposes of the center which have a net positive present value. The reserve fund shall go to Agency 83 -- Aid to Community Colleges, for Program 99, at such time as the center facilities are sold.

The second Standing Committee amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The third Standing Committee amendment is as follows:
FA574

Sec. 4. If the community college area determines that nonstate sources are insufficient to provide for operating costs, maintenance, and necessary upgrading of equipment, the center facilities shall be sold and the proceeds shall go to Agency 83 -- Aid to Community Colleges, for Program 99, and distributed to the community college areas. The sale shall be subject to rights retained by the owner of the property on which the center is located.

Sec. 5. The community college area may sell the center facilities at not less than its audited book value of assets. The sale shall be subject to consent by the owner of the property on which the center is located, which consent shall not be unreasonably withheld. The proceeds of the sale in an amount equal to the grant shall go to the community college area which received the grant, and proceeds in excess of the grant shall go to Agency 83 -- Aid to Community Colleges, for Program 99, for distribution to community college areas. The sale shall be subject to rights retained by the owner of the property on which the center is located.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The third Standing Committee amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Messrs. Raikes and Chambers offered the following amendment:
AM3731

(Amendments to Standing Committee amendments, AM3488)

1. Insert the following new sections:

"Sec. 4. The proposal submitted by the Southeast Community College area under section 1 of this act shall include provisions for cooperative efforts with other community college

areas for use of the center for training in applied electronics technology.

Sec. 5. The Southeast Community College area may contract with a nonprofit corporation to operate the facility. Nonstate sources may be used for the costs of construction of the center.".

2. On page 1, lines 12 and 13; and page 2, line 6, strike "a community college" and insert "the Southeast Community College".

3. On page 1, lines 14 and 15, strike "Subsequent recommendations for the" and insert "The"; and in line 16 strike "recommendations" and insert "grant".

4. On page 2, line 13, strike the second "a" and insert "an independent".

5. On page 2, lines 15 and 23; and page 3, lines 1 and 16, strike "community college" and insert "Southeast Community College".

6. On page 3, lines 1 and 2, strike "which" through "grant"; and in lines 16 and 17 strike "receiving" through "act".

7. Renumber the remaining sections and correct internal references accordingly.

The Raikes-Chambers amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 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.

## STANDING COMMITTEE REPORT
## Urban Affairs

**LEGISLATIVE BILL 1259.** Placed on General File as amended.
Standing Committee amendment to LB 1259:
AM3423

1. Strike original section 1 and insert the following new section:

"Section 1. Section 13-2109, Reissue Revised Statutes of Nebraska, is amended to read:

13-2109. (1) There shall be created an enterprise zone association within each proposed enterprise zone upon the decision by the political subdivision to submit an enterprise zone application. Such enterprise zone association shall be governed by an enterprise zone association board which shall consist of seven members. The initial members of the board shall ~~to~~ be appointed by the mayor of the city or village with the approval of the city council or village board, by the county board, or by the tribal chairperson. The city council, village board, county board, or tribal government shall establish the length of the terms and shall establish staggered terms so that no more than four members of the

enterprise zone association board shall be appointed in any one-year period. If an enterprise zone association board is already in existence upon the effective date of this act and the terms of the board members have not been staggered as provided in this section, the next three members to be appointed after the effective date of this act shall be appointed to serve terms equivalent to one-half of the length of the term established by the governing board of the city, village, or county or the tribal government. At the end of such terms, those appointed to fill their seats on the board shall be appointed for full terms as established by the governing body or tribal government.

(2) The city council, village board, county board, or tribal government shall, by majority vote, nominate candidates and appoint from the candidates qualified persons to fill each vacant, open, or opening seat on the enterprise zone association board. A member of the enterprise zone association board, not otherwise disqualified, whose term of office has ended shall continue to serve as a member of the board until his or her successor is properly qualified and appointed.

(3) Vacancies on the enterprise zone association board shall be filled in the same manner as ~~initial~~ provided for appointments other than initial appointments, and such members shall serve for the balance of the unexpired terms. A board member may serve more than one term. Any board member appointed as a resident of the area constituting the enterprise zone shall cease to be a member of the enterprise zone association board at such time as he or she ceases to be a resident within the area constituting the zone, and at such time his or her seat shall be vacant.

(4) The enterprise zone association board shall select its own officers and may exercise such other additional powers and authority as may be granted it by the department or the city, village, county, or tribal government. The presence of at least four members of the enterprise zone association board shall be necessary to transact any business.

(5) Individuals chosen to serve as members of the enterprise zone association board shall include property owners, ~~residents,~~ business operators, and users of space within the area of the enterprise zone as well as individuals representing groups or organizations with an interest in furthering the purposes and goals of the enterprise zone. Not less than two-thirds of the members of the enterprise zone association board shall be residents of the area constituting the enterprise zone. For purposes of this section, residents of the area constituting the enterprise zone shall be construed to include those persons residing within a county in which an enterprise zone is located when the enterprise zone is not located in a city of the primary or metropolitan class.

(6) The city, village, county, or tribal government establishing the enterprise zone association ~~may~~ shall provide

appropriate staff assistance and support to the association.

(7) If an applicant for designation as an enterprise zone does not receive such designation, the association of such applicant shall be dissolved.".

(Signed) D. Paul Hartnett, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Robinson filed the following amendment to LB 999:
AM3565

(Amendments to Standing Committee amendments, AM3395)

1. Insert the following new section:

"Section 1. Section 53-177, Reissue Revised Statutes of Nebraska, is amended to read:

53-177. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives, or their children, except ~~or children;~~ ~~PROVIDED,~~ that this prohibition shall not apply (1) to any location within such distance of one hundred ~~and~~ fifty feet for which a license to sell alcoholic ~~liquors~~ liquor at retail has been granted by the ~~Nebraska Liquor Control Commission~~ commission for two years continuously prior to ~~making of~~ application for license, ~~and~~ (2) to hotels offering restaurant service, regularly organized clubs, ~~or to~~ restaurants, food shops, or other places where sale of alcoholic ~~liquors~~ liquor is not the principal business carried on, if such place of business so exempted ~~shall have been~~ was established for such purposes prior to May 24, 1935, and (3) to a retail licensee for consumption off the licensed premises within a distance of one hundred fifty feet if the city council, village board, or county board adopts a resolution stating to the commission that the city council, village board, or county board does not object to such license being issued. Such resolution shall be advisory in nature and shall not require the commission to issue such license. No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state.".

2. On page 6, line 22, after "sections" insert "53-177,".

3. Renumber the remaining sections accordingly.

Mr. Engel filed the following amendment to LB 395:
AM3468

(Amendments to Standing Committee amendments, AM1138)

1. Insert the following new section:

"Sec. 12. In order to qualify for confidentiality and immunity under sections 1 to 16 of this act, at least fifteen days before conducting the environmental audit the owner or operator

conducting the environmental audit must give written notice by certified mail with return receipt requested of the fact that it is planning to commence the environmental audit to any agencies having regulatory authority. The notice shall specify (1) the facility, operation, or property or portion of the facility, operation, or property to be audited, (2) the date the environmental audit will begin and end, and (3) the general scope of the environmental audit. The notice may provide notification of more than one scheduled environmental audit at a time.".

2. On page 3, line 8, after "audit" insert "for which notification is given as provided under section 12 of this act and which is".

3. On page 7, line 12, after "act" insert ", notification has been given as provided under section 12 of this act,".

4. On page 9, line 9, strike "12" and insert "13".

5. Renumber the sections and correct internal references accordingly.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Martin, Robert M. - Nebraska Board of Educational Lands and Funds -- Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## NOTICE OF COMMITTEE HEARING
**Education**

Friday, March 20, 1998 1:15 p.m.
Educational Lands and Funds
Robert M. Martin

(Signed) Ardyce L. Bohlke, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 1152.** The Standing Committee amendment, AM3088, found on page 766 and considered on page 844, was renewed.

Messrs. Bruning, Brashear, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmitt renewed his pending amendment, AM3438, found on page 857,

to the Standing Committee amendment.

**MR. WILL PRESIDING**

Pending.

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

**LEGISLATIVE BILL 1362.** Title read. Considered.

The Standing Committee amendment, AM3516, found on page 923, was considered.

Mr. Kristensen 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:
FA585
10 Claim against the Legislature, pay to Gus Pick,
11 Hartington, NE 68739, out of the General Fund 12,000";

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The first Standing Committee amendment lost with 3 ayes, 25 nays, 14 present and not voting, and 7 excused and not voting.

The second Standing Committee amendment is as follows:
FA584
1 1. On page 3, after line 18 insert
2 "Claim No. 92-132, against the Department of Social
3 Services, pay to Clerk of the District Court of
4 Frontier County, Nebraska, P. O. Box 40, Stockville,
5 NE 69042-0040, out of the General Fund 518,843.00
6 Claim No. 92-133, against the Department of Social
7 Services, pay to Clerk of the District Court of
8 Frontier County, Nebraska, P. O. Box 40, Stockville,
9 NE 69042-0040, out of the General Fund 225,886.00
12 in line 23 strike "12,769.36" and insert "769,498.36"; and in line
13 25 strike "62,769.36" and insert "819,498.36".

The second Standing Committee amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

## STANDING COMMITTEE REPORT
### Judiciary

**LEGISLATIVE BILL 1266.** Placed on General File as amended.
Standing Committee amendment to LB 1266:
AM3728

1. Strike original section 1 and insert the following new section:

"Section. 1. Section 28-105.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-105.01. (1) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who was under the age of eighteen years at the time of the commission of the crime.

(2) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person with mental retardation.

(3) As used in subsection (2) of this section, mental retardation means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior. An intelligence quotient of seventy or below on a reliably administered intelligence quotient test shall be presumptive evidence of mental retardation.

(4) Within one hundred twenty days after the effective date of this act, a convicted person sentenced to the penalty of death prior to the effective date of this act may bring a verified motion in the district court which imposed such sentence requesting a ruling that the penalty of death be precluded under subsection (2) of this section and that the sentence be vacated. The court shall cause notice of each such request to be served on the county attorney, grant a prompt hearing on the request, and determine the issues and make findings of fact with respect to the request. If the court finds by a preponderance of the evidence that the convicted person is a person with mental retardation, the sentence of death shall be vacated and a sentence of life imprisonment imposed.

(5) For any convicted person who may be sentenced to the penalty of death on or after the effective date of this act, the court shall hold a hearing prior to any sentencing hearing upon a verified motion of the defense requesting a ruling that the penalty of death be precluded under subsection (2) of this section. If the court finds, by a preponderance of the evidence, that the defendant is a person with mental retardation, the death sentence shall not be imposed. A ruling by the court that the evidence of diminished intelligence introduced by the defendant does not preclude the death penalty under subsection (2) of this section shall not restrict the defendant's opportunity to introduce such evidence at the sentencing hearing or to argue that such evidence should be given mitigating significance.".

(Signed) Kermit A. Brashear, Chairperson

## AMENDMENT - Print in Journal

Mr. Will filed the following amendment to LB 989:
AM3674

(Amendments to AM3370)

1. Insert the following new section:

"Sec. 5. Section 14-555, Reissue Revised Statutes of Nebraska, is amended to read:

14-555. The treasurer shall keep all money of the city separate from all other money in his or her hands, and shall keep the money of the city and the money of any board required to be kept by him or her separate and distinct and separate from money of his or her own. ~~He~~ The treasurer is expressly prohibited from (1) using any such money or any warrants or securities in his or her custody or possession; or (2) receiving any interest or money for the use thereof, directly or indirectly, for his or her own use or benefit or for the use or benefit of any person or corporation except those for whose benefit and use the same have come into his or her possession. Any violation of the provisions ~~hereof~~ of this section shall subject ~~him~~ the treasurer to immediate removal in the manner provided by law for the removal of county officers. All interest on money of the city shall be reported by the treasurer to the city council and the same shall be credited to the ~~sinking fund~~ funds of the city.".

2. On page 21, line 9, after the first comma insert "14-555,".

3. Renumber the remaining sections and correct internal references accordingly.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1120A.** 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 1120, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

## GENERAL FILE

**LEGISLATIVE BILL 1152.** The Schmitt pending amendment, AM3438, found on page 857 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Mrs. Hillman, Messrs. Jones, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

**MRS. CROSBY PRESIDING**

Messrs. Will, Cudaback, Engel, Kristensen, and Abboud 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 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Schmitt requested a roll call vote on his amendment.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Kiel | Preister | Wesely |
| Chambers | Dierks | Landis | Schmitt | Witek |
| Coordsen | Hartnett | Peterson, C. | Schrock | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Elmer | Lynch | Pedersen, Dw. | Raikes | Schellpeper |
| Janssen | Matzke | Pederson, D. | Robinson | Wehrbein |
| Jensen | | | | |

Present and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Bohlke | Bruning | Hudkins | Suttle | Vrtiska |
| Bromm | Hilgert | Robak | Thompson | Wickersham |
| Brown | Hillman | Stuhr | Tyson | |

Absent and not voting, 1:

Willhoft

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Maurstad | Will |
| Brashear | Engel | Kristensen | Schimek | |

The Schmitt amendment lost with 14 ayes, 11 nays, 14 present and not voting, 1 absent and not voting, and 9 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. Beutler requested to pass over his pending amendment, AM3439, found on page 858.

Mr. Dierks renewed his pending amendment, FA540, found on page 858, to the Standing Committee amendment.

Messrs. Robinson and Schellpeper asked unanimous consent to bracket LB 1152 until Monday, March 23, 1998.

Mr. Schmitt objected.

Messrs. Robinson and Schellpeper moved to bracket LB 1152 until Monday, March 23, 1998.

Messrs. Janssen, Hartnett, Lynch, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## STANDING COMMITTEE REPORT
## Revenue

**LEGISLATIVE BILL 1109.** Placed on General File as amended.
Standing Committee amendment to LB 1109:
AM3721

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-2715.02, Revised Statutes Supplement, 1997, 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~~ For taxable years beginning or deemed to begin before January 1, 1999, 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) For taxable years beginning or deemed to begin on or after January 1, 1999, and before January 1, 2001, the income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,400, $32,000, and $50,000, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,200, $16,000, and $25,000 for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(c) For taxable years beginning or deemed to begin on or after January 1, 2001, the income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500 for single returns and married filing separate returns;

(ii) $0, $4,800, $34,000, and $53,000 for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000 for head of household returns; and

(iv) $0, $500, $4,700, and $15,150 for estates and trusts;

(d) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

~~(c)~~ (e) The amount in column D shall be the rate on the income in excess of the amount in column E;

~~(d)~~ (f) Except as provided in subdivision ~~(2)(c)~~ (2)(f) of this section, 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;

~~(e)~~ (g) For tax years 1997 and 1998, 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 .6784, .9432, 1.3541, and 1.8054;

~~(f)~~ (h) 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

~~(g)~~ (i) 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 77-2716.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716.01. (1) Every individual shall be allowed to subtract from his or her income tax liability an amount for personal exemptions. The amount allowed to be subtracted shall be the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be eighty-six dollars; for tax year 1998, the credit amount shall be eighty-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. The sixty-five-dollar credit amount shall be adjusted for cumulative inflation since 1993. If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. For tax year 1994 and each tax year thereafter, the income levels stated in this subsection shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any income level in this subsection is not a multiple of one thousand dollars, the amount shall be rounded to

the next highest multiple of one thousand dollars.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return except as the amount is adjusted under section 77-2716.03, and for taxable years beginning or deemed to begin on or after January 1, 1999, individuals filing married filing joint returns shall be allowed to subtract a standard deduction equal to the federal standard deduction plus an adjustment for two-earner families. The adjustment for two-earner families shall be equal to the total difference between the federal standard deduction for married filing joint returns and twice the federal standard deduction for single filers multiplied times a fraction, the numerator of which is the total wages and net earnings from self-employment as defined in section 1402 of the Internal Revenue Code of 1986, as amended, of the spouse with the lower total wages and net earnings from self-employment, and the denominator of which is the total wages and net earnings from self-employment of the other spouse.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or the amount before the federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 77-2716.03.

Sec. 3. Original section 77-2716.01, Reissue Revised Statutes of Nebraska, and section 77-2715.02, Revised Statutes Supplement, 1997, are repealed.".

(Signed) William R. Wickersham, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Wehrbein filed the following amendment to LB 1028:
AM3736

(Amendments to Standing Committee amendments, AM3654)

1. On page 1, line 1, strike "Insert" and insert "Strike original sections 4 and 7 and insert".

2. On page 2, strike beginning with "strike" in line 24 through the semicolon in line 25 and insert "strike beginning with 'Sections' through 'become' and insert 'This act becomes'; strike beginning with 'The' in line 16 through line 17;".

Mrs. Witek filed the following amendment to LB 989:
AM3744

(Amendments to Standing Committee amendments, AM3370)

1. Insert the following new sections:

"Sec. 5. Section 32-543, Revised Statutes Supplement, 1997, is amended to read:

32-543. (1) If more than seventy-five percent of the geographical area of a Class III school district lies within a city of the metropolitan class and a caucus is held for nominations under section 79-549, the board of education shall consist of six members to be elected by the registered voters of the school district at the statewide primary election. Two members shall be elected at each election for a term of six years. The members shall meet the qualifications found in section 79-543.

(2) Members of the school board of a Class III school district which does not meet the qualifications of subsection (1) of this section and has a population of one hundred thousand or more inhabitants within the district shall be nominated and elected by district. Such board shall have six or nine members as provided in section 79-550. The board of the district shall establish election districts so that, for school board elections held after January 1, 1999, members of the board may be nominated and elected from districts bearing odd numbers at one election and from districts bearing even numbers at the following election. Election districts shall be created not later than six months after the effective date of this act. If the board fails to draw election district boundaries within six months after the effective date of this act, the procedures set forth in section 32-555 shall be followed. Members shall meet the qualifications found in section 79-543.

(3) Except as provided in ~~subsection (1)~~ subsections (1) and (2) of this section, members of the board of education of a Class III school district shall be nominated at the statewide primary election and elected at the statewide general election. The board of education of a Class III school district shall have six or nine members as provided in section 79-549 or 79-550, and the members shall be nominated and elected at large or by district or ward as provided in section 32-554 or nominated by district or ward and elected at large as provided in section 79-550. The number of members to be nominated at the statewide primary election and elected at the statewide general election and the terms for which they will be nominated and elected shall be determined by the election commissioner or county clerk with the aid of the elected secretary of the board of education of the district. The terms of office of members of such board shall expire on the first Thursday after the first Tuesday in January. Terms shall be staggered so that three members shall be elected to each six-member board and four or five members shall be elected to each nine-member board at each general election for terms of four years. When it becomes necessary to establish the staggering of terms by electing members for terms of different duration at the same election, candidates receiving the greatest number of votes shall be elected for the longest terms. The members shall meet the qualifications found in

section 79-543.

Sec. 6. Section 32-555, Revised Statutes Supplement, 1997, is amended to read:

32-555. (1) Except as provided in subsection (4) of this section, if the governing board of any city, village, county, or school district which nominates or elects members to the board by district or ward fails to draw district boundaries by the date established in subsection (2) of section 32-543, subsection (1) of section 32-553, or subsection (4) of section 32-554, the county attorney of the county in which the board is located shall file an action in the district court for the purpose of ordering the board to draw district boundaries. If within six months after the receipt of such order the board does not comply, the members of the board shall be subject to removal and the court shall order the Secretary of State to draw district boundaries in accordance with the most recent federal decennial census. Any vacancy resulting from such removal from office shall be filled as provided by law.

(2) If the county attorney fails to file the action required by subsection (1) of this section, he or she shall be subject to removal from office. If the county attorney fails to file such action, any citizen within the jurisdiction of the governing board may file the action. The court shall order the board to pay any costs and attorney's fees involved in such action.

(3) If an election commissioner required to draw district boundaries for a city of the metropolitan class pursuant to section 32-553 fails to do so, the election commissioner shall be subject to (a) suit by the county attorney for the purpose of ordering the drawing of district boundaries, (b) removal from office pursuant to section 32-214 for failure to comply with an order to draw district boundaries within six months of receipt of such order, and (c) suit by any citizen for the purpose of ordering the drawing of district boundaries and shall be obligated to pay any costs and attorney's fees involved in any such action.

(4) If the county board of any county having more than three hundred thousand inhabitants fails to complete the process of drawing district boundaries as provided for in sections 23-151 and 32-553, the procedures set forth in subdivision (3)(b) of section 23-151 shall be followed.

Sec. 8. Section 79-543, Revised Statutes Supplement, 1997, is amended to read:

79-543. No person shall file for office, be nominated or elected, or serve as a member of a school board in any class of school district unless he or she is a legal voter in such district and, for school districts which elect school board members by election district, resides in the election district from which he or she is running for election.".

2. On page 21, line 11, after "sections" insert "32-543, 32-555," and before "79-1026," insert "79-543,".

Messrs. Wickersham, D. Pederson, Wehrbein, and Cudaback filed the following amendment to LB 695:
AM3747

(Amendments to E & R amendments, AM7197)

1. Insert the following new section:

"Sec. 7. (1) The County Property Tax Relief Fund is created. The fund shall be used to distribute money to county governments to provide property tax relief and equalize county capacity to pay for public services from property taxes. The fund shall be distributed annually by the Department of Revenue according to the formula created in 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.

(2) The department shall calculate the amount to be distributed to each county as follows:

(a) The county capacity shall be determined for each county. This amount is the property valuation of the county for the prior year multiplied by the county local effort rate, which is .018, divided by the number of road miles maintained by the county;

(b) The statewide county capacity shall be determined. This amount is the statewide property valuation for the prior year multiplied by the county local effort rate, which is .018, divided by the number of road miles maintained by all counties;

(c) The amount of aid due a county shall be determined by subtracting the county capacity from the statewide county capacity, if the result is a positive number, this amount multiplied by the number of county road miles is the amount to be distributed to the county subject to subdivision (d) of this subsection; and

(d) The amount distributed to a county shall not exceed an amount equal to the result of a tax rate of five cents per one hundred dollars valuation on the property valuation of the county.

(3) The Department of Roads shall provide the county road-mile information for all counties each year to the Department of Revenue. The information provided shall be the same as determined under section 39-2507.

(4) The Legislature shall appropriate five million five hundred thousand dollars for fiscal year 1998-99 to the fund from the General Fund for purposes of this section.".

2. On page 5, line 27, strike "Sections 5 and 7 of this act become" and insert "Section 5 of this act becomes".

3. On page 6, line 1, after the period insert "Sections 7 and 8 of this act become operative on their effective date.".

4. Renumber the remaining sections accordingly.

## REPORTS

The following reports were received by the Legislature:

**Roads, Department of**
Highway Cash Fund and Roads Operation Cash Fund for February 1998

**Revenue, Department of**
1997 Annual Report - Charitable Gaming

## VISITORS

Visitors to the Chamber were Ed and Nada Narjes from Sidney; 6 girl scouts and sponsor from Lincoln; 28 kindergarten through eleventh grade students and principal from Morrill Public Schools; Senator Hillman's grandson, Trevor Hergenreder, and Justin Baum, A. J. Reyes, and Luke Johns from Gering; Senator Abboud's wife and children, Ann, Michael, Megan, and Molly; and Joe McNally from Lincoln.

## ADJOURNMENT

At 1:12 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FORTY-FOURTH DAY – MARCH 17, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 17, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

## PRAYER

The prayer was offered by Pastor Carla Patterson, First Presbyterian Church, Auburn, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Robinson who was excused; and Messrs. Abboud, Dierks, Elmer, Engel, Kristensen, Landis, Preister, Schmitt, Wickersham, Will, Mmes. Bohlke, Hillman, Kiel, C. Peterson, 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 1108.** Placed on Select File as amended.
E & R amendment to LB 1108:
AM7227

1. In lieu of the Jensen amendment, FA575, strike original section 28 and all amendments thereto and insert the following new section:

"Sec. 36. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT

Program No. 514 - Health Aid

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | 42,000 | 407,000 |
| CASH FUND | 72,000 | 72,000 |
| PROGRAM TOTAL | 114,000 | 479,000 |

There is included in the appropriation to this program for FY1997-98 $42,000 General Funds and $72,000 Cash Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1998-99 $407,000 General Funds and $72,000 Cash Funds for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY1998-99 $365,000 General Funds, which shall only be used for the following purposes: Reimbursement for the provision of pap smears, colposcopy, cervical biopsy, cryotherapy, loop electrosurgical excision procedure (LEEP), and such other treatments and procedures as may be developed for the followup of abnormal pap smears; the diagnosis and treatment of sexually transmitted diseases, including, but not limited to, chlamydia, gonorrhea, HPV (genital warts), and herpes; and associated laboratory and equipment costs and staff training costs relating to the use of colposcopy equipment. None of the funds under this program shall be used to perform or facilitate the performance of abortion or to counsel or refer for abortion.".

2. In the Standing Committee amendments, AM3432:

a. On page 8, line 15, insert an underscored comma after "includes" and "to"; and

b. On page 18, line 10, strike "$37,014" and insert "$37,047".

3. Strike original section 113 and all amendments thereto and insert the following new section:

"Sec. 150. Original Laws 1997, LB 116A, section 1; Laws 1997, LB 269A, section 1; Laws 1997, LB 278A, section 1; Laws 1997, LB 384, sections 8 and 16; Laws 1997, LB 386, sections 11, 12, 16, 18, 28, 31, 33, 47, 51, 52, and 60; Laws 1997, LB 389, sections 8, 9, 16, 17, 19, 21, 40, 44, 51, 54, 81, 82, 86, 88, 89, 90, 92, 93, 95, 99, 100, 101, 107, 109, 115, 121, 122, 136, 137, 146, 147, 153, 156, 162, 180, 181, 182, 188, 192, 193, 199, 201, 205, 208, 211, 217, 218, 219, 220, 234, 235, 239, 242, and 260; and Laws 1997, LB 852A, section 1, are repealed.".

4. On page 1, strike beginning with "Laws" in line 1 through line 15 and insert "Laws 1997, LB 116A, section 1; Laws 1997, LB 269A, section 1; Laws 1997, LB 278A, section 1; Laws 1997, LB 384, sections 8 and 16; Laws 1997, LB 386, sections 11, 12, 16, 18, 28, 31, 33, 47, 51, 52, and 60; Laws 1997, LB 389, sections 8, 9, 16, 17, 19, 21, 40, 44, 51, 54, 81, 82, 86, 88, 89, 90, 92, 93, 95, 99, 100, 101, 107, 109, 115, 121, 122, 136, 137, 146, 147, 153, 156, 162, 180, 181, 182, 188, 192, 193, 199, 201, 205, 208, 211, 217, 218, 219, 220, 234, 235, 239, 242, and 260; and Laws 1997, LB 852A, section 1; to define terms; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to state and eliminate intent; to change appropriations as prescribed; to change transfers; to repeal the original

sections; and to declare an emergency.".

5. On page 3, line 17, after "1997" insert an underscored comma.

6. On page 11, line 10, strike "director" and insert "Director of Correctional Services".

7. On page 12, line 2, strike "and" and insert ", which".

8. On page 23, line 23, strike the comma.

9. On page 66, line 9, strike "(6)(a)", show as stricken, and insert "(7)(a)".

**LEGISLATIVE BILL 1110.** Placed on Select File as amended.
E & R amendment to LB 1110:
AM7222

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 79-1201, Reissue Revised Statutes of Nebraska, is amended to read:

79-1201. Sections 79-1201 to ~~79-1239~~ 79-1242 and section 3 of this act shall be known and may be cited as the Educational Service Units Act.

Sec. 2. Section 79-1241, Revised Statutes Supplement, 1997, is amended to read:

79-1241. Funds appropriated for core services shall be distributed proportionally to each educational service unit by the State Department of Education on or before August 1 of each school fiscal year based on the fall membership in member districts in the preceding school fiscal year, except that no educational service unit shall receive less than two and one-half percent of the funds appropriated for core services. Funds distributed pursuant to this section shall be used for core services with the approval of representatives of two-thirds of the member school districts, representing a majority of the students in the member school districts. If a member school district provides evidence satisfactory to the educational service unit that the district will provide core services for itself in a cost-efficient manner, the educational service unit may distribute funds directly to the district to be used for providing core services, or if all member school districts within the boundaries of an educational service unit together provide evidence satisfactory to the State Department of Education that the districts will provide core services for themselves in a more cost-efficient manner than the educational service unit, the department shall distribute funds directly to the districts to be used for providing core services.

Sec. 3. It is the intent of the Legislature to appropriate nine million seven hundred thousand dollars from the General Fund for FY1998-99 to be distributed pursuant to section 79-1241 for school fiscal year 1998-99. It is the intent of the Legislature to appropriate for FY1999-00 and each fiscal year

thereafter the amount appropriated in the prior year increased by the percentage growth in the fall membership of member districts plus the basic allowable growth rate described in section 79-1025. For purposes of this section, fall membership has the same meaning as in section 79-1003.

Sec. 4. Original section 79-1201, Reissue Revised Statutes of Nebraska, and section 79-1241, Revised Statutes Supplement, 1997, are repealed.

Sec. 5. The following section is outright repealed: Section 77-4208, Revised Statutes Supplement, 1997.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "educational" in line 1 through line 6 and insert "political subdivisions; to amend section 79-1201, Reissue Revised Statutes of Nebraska, and section 79-1241, Revised Statutes Supplement, 1997; to provide for funding of core services provided by educational service units; to state intent; to eliminate a fund; to harmonize provisions; to repeal the original sections; to outright repeal section 77-4208, Revised Statutes Supplement, 1997; and to declare an emergency.".

**LEGISLATIVE BILL 1110A.** Placed on Select File as amended.
E & R amendment to LB 1110A:
AM7226

1. On page 1, line 3, after the semicolon insert "to provide for reduction of appropriations as prescribed;".

**LEGISLATIVE BILL 63.** Placed on Select File as amended.
E & R amendment to LB 63:
AM7225

1. On page 1, strike beginning with "1996" in line 2 through "transfers" in line 3 and insert "1997; to provide for a transfer of funds".

**LEGISLATIVE BILL 1107.** Placed on Select File.

## Correctly Engrossed

The following bills were correctly engrossed: LBs 1041, 1041A, 1134, and 1134A.

## Enrollment and Review Change to LB 1041

The following changes, required to be reported for publication in the Journal, have been made:
ER9127

1. In lieu of the Chambers amendment, FA568, on page 33, line 23; page 41, line 2; and page 42, line 25, "murder or" has been struck and "murder, or aided or abetted" inserted.

2. On page 1, line 10, "county court and" has been inserted after "change"; and in line 13 "to provide a grant program for county attorney services;" has been inserted after the first semicolon.

**Enrollment and Review Change to LB 1134**

The following changes, required to be reported for publication in the Journal, have been made:
ER9128

1. In the Standing Committee amendments, AM3137:

a. On page 10, line 25, the comma has been struck and shown as stricken;

b. On page 16, line 23, "district" has been struck and "local system" inserted; and

c. On page 17, line 11, "district" has been struck, shown as stricken, and "local system" inserted.

(Signed) Jon C. Bruning, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Coordsen filed the following amendment to LB 924:
AM3739

1. Insert the following new section:

"Sec. 46. (1) In any written communication in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. The use of a digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:

(a) It is unique to the person using it;

(b) It is capable of verification;

(c) It is under the sole control of the person using it;

(d) It is linked to data in such a manner that if the data is changed, the digital signature is invalidated; and

(e) It conforms to rules and regulations adopted and promulgated by the Secretary of State.

(2) The Secretary of State shall adopt and promulgate rules and regulations to carry out this section. The initial rules and regulations shall be adopted no later than January 1, 1999. In developing the rules and regulations, the Secretary of State shall seek the advice of public and private entities, including the Department of Administrative Services.

(3) The use or acceptance of a digital signature shall be at the option of the parties to the communication. Nothing in this section shall require a person to use or permit the use of a digital signature.

(4) For purposes of this section, digital signature means an electronic identifier, created by computer, intended by the

person using it to have the same force and effect as a manual signature.".

2. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 1152:
AM3733

1. Strike the Schellpeper amendment, AM3412.

2. In the Standing Committee amendments, AM3088:

a. On page 1, strike lines 2 through 24 and insert:

"(2) After the effective date of this act, and prior to December 31, 1998, a county may adopt a resolution providing interim zoning measures. If an interim zoning measures resolution is adopted, the county shall appoint a planning commission within three months after the resolution is adopted, adopt a county comprehensive development plan within twenty months after the resolution is adopted, and adopt final zoning ordinances within twenty-four months after the resolution is adopted.

The interim zoning measures may include an interim zoning resolution, map, or regulation. Notice of the time and place of the public hearing shall be given by publication in a legal newspaper of general circulation in the county one time at least ten days prior to the hearing. A copy of the proposed interim zoning measures, including any resolution, map, or regulation, shall be available for inspection during regular business hours at the office of the county clerk at least ten days prior to the hearing. The interim zoning measures may include, but are not limited to, livestock zoning regulations that pertain to confined livestock operations, livestock waste control facilities, and open lots. For purposes of this subsection:

(a) Confined livestock operations means totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, or cages, with or without bedding materials and mechanical ventilation;

(b) Livestock waste control facilities means any structure or combination of structures utilized to control livestock waste until it can be disposed of in a proper manner. Such structures include diversion terraces, holding ponds, debris basins, liquid manure storage pits, lagoons, or other such devices utilized to control livestock wastes; and

(c) Open lots means pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

Interim livestock zoning measures shall not be more

restrictive than the most restrictive county zoning regulation in the state pertaining to the subject matter which is in effect on the effective date of this act. Interim livestock zoning regulations are not applicable to existing confined livestock operations and open lots or to any confined livestock operation or open lot for which an application is approved by the Department of Environmental Quality prior to the adoption of a resolution by the county board to implement interim livestock zoning measures."; and

b. On page 2, strike line 1.

Mr. Schmitt filed the following amendment to LB 1152:
AM3732

(Amendments to AM3412)

1. On page 3, lines 6, 10, and 12, after "operation" insert ", livestock waste control facility,"; in line 14 after "operations" insert ", livestock waste control facilities,"; and in line 21 after "new" insert "confined livestock operations, livestock waste control facilities, or".

## MESSAGES FROM THE GOVERNOR

March 12, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Health and Human Services Partnership Council:

APPOINTEE: Ann Holtz, 306 Hall of Justice, Omaha, NE 68183

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

March 12, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska State Electrical Board:

APPOINTEES:
Joseph E. Pinhero, 801 South 92nd Street, Omaha, NE 68114
William C. King, 3062 So. 44th Street, Omaha, NE 68105

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

March 13, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Rural Health Advisory Commission:

APPOINTEES:
Gary J. Pavel, P.O. Box 9, Osmond, NE 68765
Margaret Cavanaugh-Boyer, Mullen, NE 69152
Alice M. Kindschuh, P.O. Box 324, West Point, NE 68788
Jerome Seigfried, Jr., 1220 Miller Street, Holdrege, NE 68949

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

March 13, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Foster Care Review Board:

APPOINTEES:
Susan Gilmore, P.O. Box 8, 107 Manning Street, Carroll, NE 68723
Carolyn T. Green, 7418 No. 80th, Omaha, NE 68122
Linda Lund, 1027 East H Street, Ogallala, NE 69153
Weston W. Andre-Hann, 3602 Edna Court, North Platte, NE 69101
Carol Ruskamp, 4200 North 14th Street, Lincoln, NE 68521

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

March 16, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Public Employees Retirement Board:

APPOINTEE: Lormong Lo, 6103 Curtis Avenue, Omaha, NE 68104-1142

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

**SELECT FILE**

**LEGISLATIVE BILL 204A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 695.** Messrs. Cudaback, D. Pederson, and Chambers renewed their pending amendment, AM3170, found on page 660 and considered on page 667.

The Cudaback-D. Pederson-Chambers amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Messrs. Wickersham, D. Pederson, Wehrbein, and Cudaback renewed their pending amendment, AM3747, found on page 1044.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Wickersham offered the following amendment to the Wickersham et al. pending amendment:
AM3807

(Amendments to AM3747)

1. On page 1, line 2, strike "Fund" and insert "Program"; in line 3 strike "fund" and insert "program"; in line 5 strike "The fund" and insert "Funds"; in line 6 strike "annually" and insert "on or before September 1 each year"; and strike beginning with "Any" in line 7 through line 10.

2. On page 2, line 11, strike "fund" and insert "program".

3. Insert underscoring in section 7.

The Wickersham amendment was adopted with 35 ayes, 0 nays, 10 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.

Mr. Wickersham offered the following amendment to the Wickersham et al. pending amendment:
FA587

Amend AM3747

on page 1, lines 14 & 18 and page 2 line 5, strike "property valuation" and insert "assessed value" and on page 2 line 5 strike the first occurrance of "valuation"

The Wickersham amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Wickersham moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM3747 to LB 695.

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

Mr. Chambers requested a record vote on the Wickersham motion to suspend the rules.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Engel | Janssen | Kristensen |
| Bohlke | Dierks | Hartnett | Jensen | Landis |
| Bromm | Elmer | Hudkins | Jones | Lynch |

| | | | | |
|---|---|---|---|---|
| Matzke | Raikes | Schimek | Stuhr | Wehrbein |
| Pedersen, Dw. | Robak | Schmitt | Tyson | Wickersham |
| Pederson, D. | Schellpeper | Schrock | Vrtiska | Witek |
| Peterson, C. | | | | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Brown | Crosby | Hillman | Suttle | Wesely |
| Bruning | Hilgert | Maurstad | Thompson | Will |
| Chambers | | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Beutler | Brashear | Kiel | Preister | Willhoft |

Excused and not voting, 2:

| | |
|---|---|
| Coordsen | Robinson |

The Wickersham motion to suspend the rules prevailed with 31 ayes, 11 nays, 5 present and not voting, and 2 excused and not voting.

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

**MRS. CROSBY PRESIDING**

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

The Wickersham et al. amendment, AM3747, as amended, was adopted with 27 ayes, 7 nays, 12 present and not voting, and 3 excused and not voting.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 335.** Introduced by Bromm, 23; Stuhr, 24.

WHEREAS, the Stromsburg/Osceola boys' wrestling team won the 1998 Class C State Wrestling Tournament; and

WHEREAS, Stromsburg/Osceola is the first cooperative team to win the Class C state wrestling championship; and

WHEREAS, it was the first state championship ever won by a team from Stromsburg; and

WHEREAS, four wrestlers won medals; and

WHEREAS, Bob Smalley won the second place medal at 112 pounds; and

WHEREAS, Justin Sunday won the second place medal at 119 pounds; and

WHEREAS, Jeremiah Rieken won the second place medal at 160 pounds; and

WHEREAS, Ben Berggren won the second place medal at 171 pounds; and

WHEREAS, the athletic achievements of the youth of our state should be recognized; and

WHEREAS, the team exhibited a great deal of hard work, dedication, and determination throughout the season; and

WHEREAS, Coach Bob Orsborn, the members of the 1998 Stromsburg/Osceola wrestling team, their families, supporters and communities should be recognized.

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

1. That the Legislature extends its congratulations and best wishes to Coach Bob Orsborn, the members of the team, their families, and the communities of Stromsburg and Osceola.

2. That copies of this resolution be sent to Stromsburg High School and Osceola High School.

Laid over.

**LEGISLATIVE RESOLUTION 336.** Introduced by Dw. Pedersen, 39.

PURPOSE: To insure that the Legislature has a clear and concise understanding of the present inmate classification system being used by the Department of Correctional Services and to explore what changes might be made to this system that would allow more inmates who do not pose a danger to society to be placed in less secure facilities, including work release programs and the community furlough program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 337.** Introduced by Tyson, 19; Hilgert, 7; Brown, 6.

WHEREAS, as the career exploration process begins we have a responsibility of supplying comprehensive and relevant information to our Nebraska high school students to help them in determining important educational and vocational goals; and

WHEREAS, the United States Department of Defense develops and administers the Armed Services Vocational Aptitude Battery (ASVAB) to assess capabilities of young people about to enter the military; and

WHEREAS, the Department of Defense also offers the ASVAB to high schools throughout the State of Nebraska at no cost to the schools or students and without military obligation, providing one of the best and most widely used vocational aptitude indexes 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 and military occupations. A component of this workbook is an interest inventory which is provided free to every student taking the ASVAB; and

WHEREAS, over 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-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the week of March 23-29, 1998, as Armed Services Vocational Aptitude Battery (ASVAB) 18/19 Career Exploration Program Week.

Laid over.

## MESSAGE FROM THE GOVERNOR

March 17, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been reappointed to the Nebraska State Board of Health:

APPOINTEES:
Dennis C. Hirschbrunner, 3385 Prairie Lane, Columbus, NE 68601
Jerry Vaughan, 1345 Memorial Drive, Broken Bow, NE 68822
Henry L. Balters, 3025 Sheridan, Lincoln, NE 68502-4215

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

**AMENDMENTS - Print in Journal**

Mr. Landis filed the following amendment to LB 1035:
(Amendment, AM3791, 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 1100:
AM3789

(Amendments to AM3492)

1. Insert the following new sections:

"Sec. 14. The Legislature finds and determines that: (1) There is an urgent need for certain capital improvements on the campuses, facilities, and lands owned or under the control of the Board of Trustees of the Nebraska State Colleges; (2) unacceptable delays and deferral of such capital improvement projects would result if the funding for such projects were provided solely from appropriations by the State of Nebraska because of budgetary constraints on funds of the State of Nebraska; (3) it is necessary, desirable, and advisable to authorize the board of trustees to generate funds for such capital improvement projects and to provide for the accumulation, investment, and expenditure of such funds; and (4) such action is required to permit the board of trustees to adequately fulfill the goals and mission established for the state colleges.

Sec. 15. Beginning July 1, 1998, the Board of Trustees of the Nebraska State Colleges may levy and assess a facilities fee upon each student enrolled in any course offered by any institution under the control of the board of trustees. All fees so collected shall be expended for the purpose of paying the costs of capital improvement projects approved by the board of trustees on any of the campuses, facilities, or lands owned or controlled by the board.

Sec. 16. The State College Facility Fee Fund is created. Until any facilities fees collected by the Board of Trustees of the Nebraska State Colleges under section 15 of this act are expended, the board of trustees may accumulate such fees in the fund. All money accruing to the fund is appropriated to the board of trustees and shall be used for capital improvement projects authorized by the board. No expenditure may be made from the fund without prior approval by a resolution of the board of trustees. 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. All revenue, fund balances, and expenditures shall be recorded in the State of Nebraska accounting system.

Sec. 17. The Board of Trustees of the Nebraska State Colleges may enter into contracts with any person, firm, or corporation to accomplish (1) any capital improvement project for which a facility fee is to be assessed by the board of trustees

pursuant to section 15 of this act and (2) any capital improvement project authorized by the Legislature and for which all or any part of the costs are to be paid from appropriations by the Legislature. Each contract shall provide for the payment of the costs of such project from the State College Facility Fee Fund or any fund or appropriations established by the Legislature in connection with such project. No contract shall be for a period in excess of fifteen years. The board of trustees shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract, except that there may be pledged for the payment of any such contract any appropriations specifically made by the Legislature for such purpose. No contract shall be entered into pursuant to this section without prior approval by a resolution of the board of trustees. For purposes of review by the Coordinating Commission for Postsecondary Education, the facilities fee levied and collected under section 15 of this act shall be considered to be the equivalent of fees collected under the authority of section 85-404 and shall comply with the review procedures established in such section.

Sec. 18. The Board of Trustees of the Nebraska State Colleges may convey or lease and lease back all or any part of any project undertaken pursuant to sections 14 to 17 of this act and the land on which such project is situated to the person, firm, or corporation with which the board of trustees contracts pursuant to such sections to facilitate the long-term payment of the costs of the project. Any such conveyance or lease shall provide that when the cost of the project has been paid, together with interest and other costs thereon, the project and the land on which it is located shall become the property of the board of trustees.".

2. Renumber the remaining sections accordingly.

Mrs. Witek filed the following amendment to LB 1073:
AM3619

(Amendments to E & R amendments, AM7219)

1. On page 27, after line 1, insert:

"(4) If a court finds that the juvenile is within the provisions of subdivision (2) of section 43-247, the court shall issue an order requiring the Nebraska State Patrol to be notified, in a manner specified by the Superintendent of Law Enforcement and Public Safety, of (a) the identity of the juvenile, (b) the court in which such adjudication was made, (c) the date on which such adjudication was made, (d) the court docket number, and (e) the felony which was the basis for the adjudication.".

2. On page 203, line 2, strike "42-121," and insert "42-121, 43-252,".

Mrs. Witek filed the following amendment to LB 1070:
AM3735

(Amendments to E & R amendments, AM7221)

1. Insert the following new sections:

"Sec. 7. 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~~ is four and one-half percent.

Sec. 10. Original section 77-2701.02, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 17, line 3, after the period insert "Sections 7 and 10 of this act become operative January 1, 1999.".

3. Renumber the remaining sections accordingly.

Mr. Tyson filed the following amendment to LB 1010:
AM3796

1. Insert the following new section:

"Section 1. Section 48-115, Revised Statutes Supplement, 1997, is amended to read:

48-115. The terms employee and worker are used interchangeably and have the same meaning throughout the Nebraska Workers' Compensation Act. Such terms include the plural and all ages and both sexes and shall be construed to mean:

(1) Every person in the service of the state or of any governmental agency created by it, including the Nebraska National Guard and members of the military forces of the State of Nebraska, under any appointment or contract of hire, expressed or implied, oral or written. For the purposes of the Nebraska Workers' Compensation Act, (a) volunteer firefighters of any fire department of any rural or suburban fire protection district, city, or village, which fire department is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such rural or suburban fire protection district, city, or village while in the performance of their duties as members of such department and shall be considered as having entered and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a fire station or other place where firefighting equipment that their company or unit is to use is located or to any emergency that the volunteer firefighters may be officially called to participate in, (b) members of such volunteer fire department, before they are entitled to benefits under the Nebraska Workers' Compensation Act, shall be recommended by the chief of the fire department for membership therein to the board of directors, the mayor and city commission, the mayor and council, or the chairperson and board of trustees, as the case may be, and upon confirmation shall be deemed employees of the rural or suburban fire protection district, city, or village, (c) members of such fire department after confirmation to membership may be removed by a majority vote of such board of directors, commission, council, or board and thereafter shall not

be considered employees of such rural or suburban fire protection district, city, or village, (d) firefighters of any fire department of any rural or suburban fire protection district, city, or village shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside of the corporate limits of their respective districts, cities, or villages, but only if directed to do so by the chief of the fire department or some person authorized to act for such chief, (e) any members of the Nebraska Emergency Management Agency, any city, village, county, or interjurisdictional emergency management organization, or any state emergency response team, which agency, organization, or team is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such agency, organization, or team while in the performance of their duties as members of such agency, organization, or team, (f) any person fulfilling conditions of probation, or community service as defined in section 29-2277, pursuant to any order of any court of this state who shall be working for a governmental body, or agency as defined in section 29-2277, pursuant to any condition of probation, or community service as defined in section 29-2277, shall be deemed an employee of the governmental body or agency for the purposes of the Nebraska Workers' Compensation Act, (g) volunteer ambulance drivers and attendants and out-of-hospital emergency care providers who are members of an emergency medical service for any county, city, or village or any combination of such county, city, or village under the authority of section 13-303 shall be deemed employees of the county, city, or village or combination thereof while in the performance of their duties as ambulance drivers or attendants or out-of-hospital emergency care providers and shall be considered as having entered into and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a hospital or other place where the ambulance they are to use is located or to any emergency in which the volunteer ambulance drivers or attendants or out-of-hospital emergency care providers may be officially called to participate, but such volunteer ambulance drivers or attendants or out-of-hospital emergency care providers shall be considered as acting in the performance and within the scope of their duties outside of the corporate limits of their respective county, city, or village only if officially directed to do so, (h) before such volunteer ambulance drivers or attendants or out-of-hospital emergency care providers shall be entitled to benefits under the Nebraska Workers' Compensation Act, they shall be confirmed to perform such duties by the county board or the governing body of the city or village or combination thereof, as the case may be, and upon such confirmation shall be deemed employees of the county, city, or village or combination thereof and may be removed by majority vote of such county board or

governing body of the city or village, (i) members of a law enforcement reserve force appointed in accordance with section 81-1438 shall be deemed employees of the county or city for which they were appointed, and (j) any offender committed to the Department of Correctional Services who is employed pursuant to section 81-1827 shall be deemed an employee of the Department of Correctional Services solely for purposes of the Nebraska Workers' Compensation Act; and

(2) Every person in the service of an employer who is engaged in any trade, occupation, business, or profession as described in section 48-106 under any contract of hire, expressed or implied, oral or written, including aliens and also including minors, who for the purpose of making election of remedies under the Nebraska Workers' Compensation Act shall have the same power of contracting and electing as adult employees.

As used in subdivisions (1) and (2) of this section, the terms employee and worker shall not be construed to include any person whose employment is not in the usual course of the trade, business, profession, or occupation of his or her employer.

If an employee subject to the Nebraska Workers' Compensation Act suffers an injury on account of which he or she or, in the event of his or her death, his or her dependents would otherwise have been entitled to the benefits provided by such act, the employee or, in the event of his or her death, his or her dependents shall be entitled to the benefits provided under such act, if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state.

(3)(a) Except as provided in subdivision (3)(b) of this section, every ~~Every~~ executive officer of a corporation elected or appointed under the provisions or authority of the charter, articles of incorporation, or bylaws of such corporation shall be an employee of such corporation under the Nebraska Workers' Compensation Act, except that an executive officer of a Nebraska corporation who owns twenty-five percent or more of the common stock of such corporation may waive his or her right to coverage. Such waiver shall be in writing and filed with the secretary of the corporation and the Nebraska Workers' Compensation Court. Such waiver, as prescribed by the compensation court, shall include a statement in substantially the following form: Notice. I am aware that health and accident insurance policies frequently exclude coverage for personal injuries caused by accident or occupational disease arising out of and in the course of employment. Before waiving my rights to coverage under the Nebraska Workers' Compensation Act, I certify that I have carefully examined the terms of my health and accident coverage. Such waiver shall become effective from the date of receipt by the compensation court and

shall remain in effect until the waiver is terminated by the officer in writing and filed with the secretary of the corporation and the compensation court. The termination of the corporate executive officer's waiver shall be effective upon receipt of the termination by the compensation court. It shall not be permissible to terminate a waiver prior to one year after the waiver has become effective.

(b) An executive officer of a Nebraska nonprofit corporation who receives annual compensation of one thousand dollars or less from the nonprofit corporation shall not be construed to be an employee of such nonprofit corporation under the Nebraska Workers' Compensation Act unless such executive officer elects to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act. Such election shall be in writing and filed with the secretary of the nonprofit corporation and shall remain in effect until the election is terminated, in writing, by the officer and the termination is filed with the secretary of the nonprofit corporation.

(4) Each individual employer, partner, limited liability company member, or self-employed person who is actually engaged in the individual employer's, partnership's, limited liability company's, or self-employed person's business on a substantially full-time basis may elect to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act, if he or she (a) files with his or her current workers' compensation insurer written notice of election to have the same rights as an employee only for purposes of workers' compensation insurance coverage acquired by and for such individual employer, partner, limited liability company member, or self-employed person or (b) gives notice of such election and such insurer collects a premium for such coverage acquired by and for such individual employer, partner, limited liability company member, or self-employed person. This election shall be effective from the date of receipt by the insurer for the current policy and subsequent policies issued by such insurer until such time as such employer, partner, limited liability company member, or self-employed person files a written statement withdrawing such election with the current workers' compensation insurer or until such coverage by such insurer is terminated, whichever occurs first. When so included, the individual employer, partner, limited liability company member, or self-employed person shall have the same rights as an employee only with respect to the benefits provided under the Nebraska Workers' Compensation Act. If any individual employer, partner, limited liability company member, or self-employed person who is actually engaged in the individual employer's, partnership's, limited liability company's, or self-employed person's business on a substantially full-time basis has not elected to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act pursuant to this subdivision and any health, accident, or other

insurance policy issued to or renewed by such person after July 10, 1984, contains an exclusion of coverage, if the insured is otherwise entitled to workers' compensation coverage, such exclusion shall be null and void as to such person.

(5) An individual lessor of a commercial motor vehicle leased to a motor carrier and driven by such individual lessor, may elect to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act if he or she agrees in writing with the motor carrier to have the same rights as an employee only for purposes of workers' compensation coverage maintained by the motor carrier. For an election under this subdivision, the motor carrier's principal place of business must be in this state and the motor carrier must be authorized to self-insure liability under the Nebraska Workers' Compensation Act. Such an election shall (a) be effective from the date of such written agreement until such agreement is terminated, (b) be enforceable against such self-insured motor carrier in the same manner and to the same extent as claims arising under the Nebraska Workers' Compensation Act by employees of such self-insured motor carrier, and (c) not be deemed to be a contract of insurance for purposes of Chapter 44. Section 48-111 shall apply to the individual lessor and the self-insured motor carrier with respect to personal injury or death caused to such individual lessor by accident or occupational disease arising out of and in the course of performing services for such self-insured motor carrier in connection with such lease while such election is effective.".

2. On page 16, line 7, before "are" insert "and section 48-115, Revised Statutes Supplement, 1997,".

3. Renumber the remaining sections accordingly.

Mr. Will filed the following amendment to LB 1041:
AM3689

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. Section 23-3403, Reissue Revised Statutes of Nebraska, is amended to read:

23-3403. The public defender may appoint for such periods and at such salaries or compensation, with the approval of the county board, as many assistant public defenders, who shall be attorneys licensed to practice law in this state, secretaries, law clerks, investigators, and other employees as are reasonably necessary to permit him or her to effectively and competently represent the clients of the office. The public defender, with the approval of the county board, ~~subject to the approval and consent of the county board which~~ shall fix the ~~compensation of all such persons as well as the~~ budget for office space, furniture, furnishings, fixtures, supplies, law books, court costs, and brief-printing, investigative, expert, travel, and other miscellaneous expenses reasonably necessary to enable the public

defender to effectively and competently represent the clients of the office.".

2. On page 1, line 1, after "sections" insert "23-3403,"; and in line 13 before "guardianship" insert "public defender,".

3. On page 58, line 11, after "sections" insert "23-3403,".

4. Renumber the remaining sections and correct internal references accordingly.

Mrs. Suttle filed the following amendment to LB 1028:
AM3777

(Amendments to Standing Committee amendments, AM3654)

1. Strike amendments 1 through 3 and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. Section 77-2715.02, Revised Statutes Supplement, 1997, 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) Except as provided in subdivision (2)(e) of this section, 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~~ .667, .927, 1.332, and 1.776;

(e) For tax ~~years~~ year 1997, ~~and 1998,~~ 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 .6784, .9432, 1.3541, and 1.8054;

(f) 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

(g) 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. This act becomes operative for all taxable years beginning or deemed to begin on or after January 1, 1998, under the Internal Revenue Code of 1986, as amended.

Sec. 3. Original section 77-2715.02, Revised Statutes Supplement, 1997, is repealed.'.".

Mr. Schellpeper filed the following amendment to LB 999:
AM3774

(Amendments to Standing Committee amendments, AM3395)

1. Insert the following new section:

"Section 1. Section 53-176, Reissue Revised Statutes of Nebraska, is amended to read:

53-176. No manufacturer or wholesaler shall sell or deliver any package containing alcoholic liquor manufactured or distributed by such manufacturer or wholesaler for resale unless the person to whom such package is sold or delivered is authorized to receive such package in accordance with the Nebraska Liquor Control Act, except that a good faith sale or delivery to a previously licensed retailer within twenty-one days after the annual expiration of the retail license shall not constitute a violation of this section. The commission shall suspend, cancel,

or revoke the license of any manufacturer or wholesaler who violates this section. For purposes of this section, good faith means without actual knowledge or under circumstances in which the manufacturer or wholesaler could not reasonably have known at the time of the sale or delivery that the retail license had not been renewed.".

2. On page 6, line 22, after "sections" insert "53-176,".

3. Renumber the remaining sections accordingly.

Mr. Preister filed the following amendment to LB 395:
AM3632

(Amendments to Standing Committee amendments, AM1138)

1. Strike section 11 and all amendments thereto and insert the following new section:

"Sec. 11. (1) If disclosure is made pursuant to section 10 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 unless (a) the disclosure did not arise out of an environmental audit, (b) the person did not make written disclosure within ten days after discovery of the possible violation to the regulatory agency, (c) the disclosure was not made to the agency having regulatory authority prior to the agency having knowledge of the violation contained in the disclosure, (d) the violation has not been corrected within sixty days after discovery, (e) any harm caused by the violation has not been remedied, including, but not limited to, removal or remedial action, (f) the person has not agreed to appropriate measures and has not implemented such measures to prevent recurrence of the violation, (g) 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, (h) the violation was knowing and willful, (i) the violation was due to a lack of good faith efforts to understand and comply with the environmental requirements, or (j) the violation would likely result or has resulted in significant adverse impact on the public health or the environment.

(2) This section does not apply to violations of the terms of any agreement entered into or court order or administrative order issued pursuant to an environmental requirement, including, but not limited to, consent decrees or plea agreements.

(3) This section does not preclude the agency having regulatory authority from seeking the recovery of any economic benefit resulting from noncompliance with an environmental requirement.

(4) For purposes of this act, (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 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 five years after a previous violation shall be prima facie evidence of a lack of good faith efforts to comply with environmental requirements.".

2. On page 4, strike beginning with "and" in line 13 through "time" in line 21 and insert

"(ii) The person did not make written disclosure within ten days after discovery of the possible violation to the regulatory agency;

(iii) The violation has not been corrected within sixty days after discovery;

(iv) Any harm caused by the violation has not been remedied, including, but not limited to, removal or remedial action; and

(v) The person has not agreed to appropriate measures and has not implemented such measures to prevent recurrence of the violation".

3. On page 5, strike lines 6 through 12 and insert

"(2) For purposes of subdivision (1)(a)(ii) of this section and subdivision (1)(b) of section 11 of this act, when a statute, rule, or regulation requires disclosure to be made in less than ten days, disclosure shall be made within the time limit established by such statute, rule, or regulation. When disclosure within ten days is not practical because compliance cannot be determined within that period, the regulatory agency may accept later disclosure if the circumstances do not present a serious threat and the regulated entity meets its burden of showing that the additional time was needed to determine compliance.

(3) For purposes of subdivision (1)(a)(iii) of this section and subdivision (1)(c) of section 11 of this act, if more than sixty days is needed to correct the violation, the regulated entity must notify the regulatory agency in writing before the sixty-day period has passed. The regulatory agency may grant an additional period of time to make corrections if it determines that additional time is necessary and the regulated entity is proceeding expeditiously to come into compliance."; in line 21 strike "may" and insert "shall"; and in line 25 strike "confidentiality" through "audit" and insert "public health and the environment".

4. On page 7, line 3, strike "voluntary self-evaluation" and insert "an environmental audit".

## STANDING COMMITTEE REPORTS
### Natural Resources

**LEGISLATIVE BILL 1154.** Placed on General File as amended.
Standing Committee amendment to LB 1154:

AM3755

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 11 of this act shall be known and may be cited as the Buffer Strip Act.

Sec. 2. The Legislature finds and declares that:

(1) Buffer strips help to reduce the levels of sediment, crop nutrient, pesticides, and other chemicals introduced into surface water resources; and

(2) Both wildlife and people benefit as a result of improved water quality.

Sec. 3. For purposes of the Buffer Strip Act:

(1) Board means the Nebraska Pesticide Board created pursuant to section 4 of this act;

(2) Buffer strip means a strip of vegetation used to intercept or trap field sediment, organics, pesticides, and other potential pollutants before they reach surface water;

(3) Department means the Department of Agriculture;

(4) District means a natural resources district; and

(5) Person means any individual, partnership, firm, corporation, company, society, or association, the state or any department, agency, or subdivision thereof, or any other public or private entity.

Sec. 4. (1) In order to implement the Buffer Strip Act, the Nebraska Pesticide Board is created. It shall be the duty of the board to advise and provide recommendations to the department regarding the administration of the Buffer Strip Act, the use of proceeds from the Buffer Strip Incentive Fund, and the approval or disapproval of the buffer strip plan required in section 5 of this act. The department may ask the board for a review of the existing rules and regulations, administrative procedures, and other components of the Buffer Strip Act. The board shall meet at least once a year.

(2) The Rules and Regulations Advisory Committee created pursuant to section 2-2626 shall appoint members of the Nebraska Pesticide Board. The board shall be composed of, but not limited to, the following members:

(a) Two persons representing the pesticide industry;

(b) Two persons representing agricultural producers;

(c) One person representing the University of Nebraska Institute of Agriculture and Natural Resources;

(d) One person representing environmental interests; and

(e) One person representing municipalities.

(3) The terms of the members of the board shall be three years, except that the terms of the initial members of the board shall be staggered so that one-third of the members are appointed for terms of one year, one-third for terms of two years, and one-third for terms of three years, as determined by the committee. As the terms of the initial members expire, their successors shall

be appointed or elected for three-year terms in the same manner as the initial members. Any vacancy shall be filled by appointment in the same manner as the appointment of initial members.

(4) Members of the board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 5. The department shall devise a statewide buffer strip plan with its priority being the improvement of the quality of the domestic and public water supply. Upon the approval of the board, the department shall submit the plan to the Legislature by December 1, 1998.

Sec. 6. The Buffer Strip Incentive Fund is created. Proceeds raised from fees imposed for the registration of pesticides and earmarked for the fund pursuant to section 2-2634, proceeds raised from federal grants earmarked for the fund, and any proceeds raised from public or private donations made to the fund shall be remitted to the State Treasurer for credit to the fund. The fund shall be administered by the department to maintain the buffer strip program and for expenses directly related to the program, including necessary expenses of the department in carrying out its duties and responsibilities under the Buffer Strip Act. The annual cost of administering the buffer strip program shall not exceed ten percent of the total annual proceeds credited to the Buffer Strip Incentive Fund. Such administrative costs shall include funds allocated by the department to the districts for their administrative costs. 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. 7. (1) Any person who desires to create a buffer strip adjacent to surface water on his or her property may submit an application for buffer strip reimbursement to the district. The application shall include the location of the proposed buffer strip and the total number of acres to be included in the proposed buffer strip. If the person will receive any money from any other source for use of the land proposed for the buffer strip, the application shall include the identity of the source or sources, the amount of money to be received, and the length of time the money will be received.

(2) All applications for buffer strip reimbursement under the Buffer Strip Act shall be submitted by a date established by rules and regulations adopted and promulgated pursuant to section 11 of this act.

(3) Upon receipt of an application for buffer strip reimbursement, the district shall review the application for compliance with the requirements set forth in the rules and regulations adopted and promulgated pursuant to section 11 of this act.

(4) If the district determines that the application is

not in compliance with the requirements established by the department, the district shall inform the applicant of the deficiencies in the plan and, if feasible, recommend an alternate plan which complies with the rules and regulations of the department. The applicant may then submit a new application consistent with the recommendation of the district.

(5) If the district determines that the application is in compliance with the standards established by the department, the district shall forward the application to the department. The application shall include a written evaluation of the applicant's compliance with the requirements set forth in rules and regulations adopted and promulgated pursuant to section 11 of this act.

Sec. 8. (1) Upon receipt of the application for buffer strip reimbursement, the department shall review the application for compliance with the rules and regulations adopted and promulgated pursuant to section 11 of this act.

(2) If the department determines that the application is not in compliance with the rules and regulations adopted and promulgated pursuant to section 11 of this act, the department shall inform the district of the deficiencies. The district shall then inform the applicant of the deficiencies and allow the applicant to submit a new application.

(3) The department shall determine which applications are in compliance with the rules and regulations adopted and promulgated under section 11 of this act and shall compile a list of all such applications according to the factors set forth in the rules and regulations. From such prioritized list, and based upon the amount of funds available, the department shall notify the districts which applications are approved. Funds approved by the department for buffer strip reimbursement shall only be for buffer strips created after January 1, 1996. The total amount of funds available for all new and existing agreements shall not exceed the projected available cash balance of the Buffer Strip Incentive Fund for the entire term of the agreements.

Sec. 9. (1) Upon approval of an application by the district and the department, the district shall enter into a contractual agreement with the applicant for the land included in the buffer strip. The agreement shall include a provision that the applicant shall maintain the buffer strip in accordance with the approved plan during the term of the rental agreement. The agreement may also include a provision that the applicant shall not apply specified fertilizers on buffered fields between designated dates. Failure to maintain the buffer strip in accordance with the plan shall be cause for all future payments under the agreement to be forfeited and shall be cause for the recovery by the department of any payments previously made. Upon submission of a copy of the agreement to the department, it shall authorize the State Treasurer to transfer funds to the district from the Buffer Strip Incentive Fund in an amount equal to the total amount of funds due for the

agreement in that district that year. Such transfer shall be made as soon as funds are available.

(2) If the applicant does not receive reimbursement from any other source for the land included in the buffer strip, the district shall pay the applicant annually an amount not to exceed one hundred fifty dollars per acre or fraction thereof included in the buffer strip.

(3) If the applicant receives reimbursement from any other source for the land included in the buffer strip, the district shall pay the applicant annually an amount not to exceed one hundred fifty dollars per acre included in the buffer strip, minus the amount of the other reimbursement.

(4) The actual amount of any payment made to an applicant under subsection (2) or (3) of this section shall be determined by the district using the sliding scale provided in section 11 of this act. Such amount shall be included as part of the application submitted to the department.

(5) Contractual agreements pursuant to this section shall be for a minimum term of five years and a maximum term of ten years.

(6) Following the expiration of any contractual agreement pursuant to this section, the applicant may apply to renew the agreement. Any application for renewal of an agreement shall be made in accordance with sections 7 to 9 of this act and shall be considered with any new applications.

Sec. 10. Each district shall take reasonable steps to ensure that contractual agreements pursuant to section 9 of this act are complied with by the applicant. The department shall adequately reimburse the districts for the costs of such purposes. If the applicant does not comply with the terms of the agreement, the district shall discontinue any payments to the applicant.

Sec. 11. The department shall adopt and promulgate such rules and regulations as are necessary for the enforcement and administration of the Buffer Strip Act. The rules and regulations shall include, but not be limited to, rules and regulations providing for:

(1) Types of vegetation suitable for buffer strips;

(2) Appropriate width of buffer strips;

(3) Types of surface water appropriate for protection by buffer strips;

(4) Soil types and classifications appropriate for protection by buffer strips;

(5) A sliding scale, based on land value and potential environmental benefit, to determine the amount to be paid as payment under the act for the buffer strip;

(6) An index to rank those applications that meet the technical requirements of the act to determine priority of funding. Such index shall, at at minimum, identify the factors that will be considered in scoring an application and assign a numerical value

for each of those factors. In addition to those items listed in subdivisions (1) to (5) of this section, such factors shall also include an evaluation of each application for the water quality benefits from reduced soil erosion and runoff, the on-farm benefits of reduced soil erosion, and the cost per acre of an application. Priority may be given to those applications which create buffer strips at the lowest possible cost, assuming environmental protection benefits are equal in other respects;

(7) The minimum requirements necessary for any contractual agreement entered into between a district and applicant;

(8) A project map of the buffer strip program created by the Buffer Strip Act showing the location of buffer strips in each watershed; and

(9) Any other rule and regulation deemed appropriate for implementation of the Buffer Strip Act.

Sec. 12. Section 2-2634, Reissue Revised Statutes of Nebraska, is amended to read:

2-2634. (1) As a condition to registration or renewal of registration as required by sections 2-2628 to 2-2633, an applicant shall pay to the department a fee of ~~one hundred~~ ninety dollars for each pesticide to be registered, except that the fee may be increased or decreased by the director after a public hearing is held outlining the reason for any proposed change in the fee. In no event shall such fee exceed one hundred fifty dollars for each pesticide to be registered. All fees collected shall be remitted to the State Treasurer for credit as follows:

(a) Thirty dollars of each such fee to the Noxious Weed Cash Fund as provided in section 2-958; ~~and~~

(b) Sixty dollars of each such fee to the Buffer Strip Incentive Fund as provided in section 6 of this act; and

(c) The remainder, if any, to the Pesticide Administrative Cash Fund.

(2) If a person fails to apply for renewal of registration before January 1 of any year, such person, as a condition to renewal, shall pay a late registration fee equal to twenty-five percent of the fee due and owing per month, not to exceed one hundred percent, for each product to be renewed in addition to the renewal fee.

Sec. 13. Original section 2-2634, Reissue Revised Statutes of Nebraska, is repealed.".

**LEGISLATIVE BILL 1161.** Placed on General File as amended. (Standing Committee amendment, AM3706, 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 1278.** Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1193A.** 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 1193, Ninety-fifth Legislature, Second Session, 1998.

## NOTICE OF COMMITTEE HEARINGS
### Nebraska Retirement Systems

Tuesday, March 24, 1998 12:00 noon
Nebraska Investment Council Annual Report including their plan of action and joint investment analysis as required by statute.

(Signed) Ray Janssen, Chairperson

### Government, Military and Veterans Affairs

Wednesday, March 25, 1998 8:30 a.m.
State Emergency Response Commission
Jim Allstot
Christine J. Bleich
Steven F. Danon
Kenneth C. Dechant
Allen O. Grell
Fred E. Hlava
Richard L. Klauz
Jerry L. McKenzie
Randy D. Meek
Ken L. Meyer
Florian Paskevic
John J. Steinauer

State Personnel Board
Rob Coupland

(Signed) C. N. "Bud" Robinson, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Andre-Hann, Weston W. - Foster Care Review Board -- Health and Human Services

Cavanaugh-Boyer, Margaret - Nebr. Rural Health Advisory Commission -- Health and Human Services

Gilmore, Susan - Foster Care Review Board -- Health and Human Services

Green, Carolyn T. - Foster Care Review Board -- Health and Human Services

Holtz, Ann - Nebr. Health & Human Services Partnership Council -- Health and Human Services

Kindschuh, Alice M. - Nebr. Rural Health Advisory Commission -- Health and Human Services

King, William C. - Nebraska State Electrical Board -- General Affairs

Lamberty, Louis E. - Nebraska Power Review Board -- Natural Resources

Lo, Lormong - Nebr. Public Employees Retirement Board -- Nebraska Retirement Systems

Lund, Linda - Foster Care Review Board -- Health and Human Services

Pavel, Gary J. - Nebr. Rural Health Advisory Commission -- Health and Human Services

Pinhero, Joseph E. - Nebraska State Electrical Board -- General Affairs

Ruskamp, Carol - Foster Care Review Board -- Health and Human Services

Seigfried, Jerome, Jr. - Nebr. Rural Health Advisory Commission -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## SELECT FILE

**LEGISLATIVE BILL 695.** Mr. Beutler offered the following amendment: (Amendment on file in the Clerk's Office - Room 2018 - FA586.)

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

Mr. Beutler withdrew his amendment.

**SPEAKER KRISTENSEN PRESIDING**

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

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 695A.** Mr. Wickersham offered the following amendment:
AM3788

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $5,500,000 from the General Fund for FY1998-99 and (2) $5,500,000 from the General Fund for FY1999-00 to the Department of Revenue, for Program 104, to aid in carrying out the provisions of Legislative Bill 695, Ninety-fifth Legislature, Second Session, 1998.

There is included in the appropriation to this program for FY1998-99 $5,500,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1999-00 $5,500,000 General Funds for state aid, which shall only be used for such purpose.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Wickersham amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

Advanced to E & R for engrossment.

## MOTION - Suspend Rules

Mrs. Bohlke moved to suspend the rules, Rule 3, Section 13, to allow a confirmation hearing on March 19, 1998 for Imogene Enevoldsen as a member of the Coordinating Commission for Postsecondary Education.

The Bohlke motion to suspend the rules prevailed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

## AMENDMENT - Print in Journal

Mrs. Bohlke filed the following amendment to LB 1229:
AM3685

1. Strike sections 11 to 13 and 15.
2. Renumber the remaining section accordingly.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 338.** Introduced by Maurstad, 30.

WHEREAS, the Filley High School boys' basketball team won the 1998 Class D-2 State Basketball Tournament; and

WHEREAS, this is the sixth state basketball championship in the history of Filley High School. Filley had previously won state championships in 1922, 1926, 1979, 1980, and 1996; 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-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Filley High School boys' basketball team be congratulated for their hard work, for their competitive spirit, and in winning the 1998 Class D-2 State Basketball Tournament.

2. That a copy of the resolution be sent to Coaches R.A. Brommer and Dennis Remmers and to the Filley High School boys' basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 339.** Introduced by Maurstad, 30.

WHEREAS, the Beatrice High School boys' basketball team won the 1998 Class B State Basketball Tournament by defeating Lincoln Pius X; and

WHEREAS, this is the fourth state basketball championship in the history of Beatrice High School. Beatrice had previously won state championships in 1911, 1924, and 1959; and

WHEREAS, Beatrice finished their fine season with a 22-3 win-loss record; and

WHEREAS, the Beatrice fans, cheerleaders, and supporters demonstrated outstanding spirit and sportsmanship throughout the state tournament; 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-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Beatrice High School boys' basketball team be congratulated for their hard work, for their competitive spirit, and in winning the Class B State Basketball Tournament.

2. That a copy of the resolution be sent to Coach Jim Weeks and to the Beatrice High School boys' basketball team.

Laid over.

## NOTICE OF COMMITTEE HEARING
### Education

Thursday, March 19, 1998 1:15 p.m.
Coordinating Commission for Postsecondary Education

Imogene Enevoldsen

(Signed) Ardyce L. Bohlke, Chairperson

## SELECT COMMITTEE REPORT
### Enrollment and Review

**LEGISLATIVE BILL 1073.** Placed on Select File as amended.
(E & R amendment, AM7219, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jon C. Bruning, Chairperson

## VISITORS

Visitors to the Chamber were 60 fifth grade students and teachers from Linden Elementary School, Fremont.

## RECESS

At 11:46 a.m., on a motion by Mr. Bruning, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Robinson who was excused; and Messrs. Abboud, Beutler, Dierks, Engel, Hartnett, Hilgert, Landis, Preister, Raikes, Schmitt, Schrock, Mmes. Bohlke, Crosby, Hillman, and Kiel who was excused until they arrive.

## SELECT COMMITTEE REPORT
### Enrollment and Review

### Correctly Engrossed

The following bill was correctly engrossed: LB 204A.

(Signed) Jon C. Bruning, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 309.** E & R amendment, AM7206, printed separately and referred to on page 741, was adopted.

Mr. Bromm asked unanimous consent to replace his pending amendment, AM3401, found on page 865, with a substitute amendment. No objections. So ordered.

Mr. Bromm withdrew his amendment, AM3401, found on page 865.

Mr. Bromm offered the following substitute amendment:
AM3810

(Amendments to E & R amendments, AM7206)

1. Insert the following new section:

"Sec. 3. Section 29-119, Reissue Revised Statutes of Nebraska, is amended to read:

29-119. For purposes of sections 23-1201, 29-119, 29-120, and 29-2261, unless the context otherwise requires:

(1) A plea agreement shall mean that as a result of a discussion between the defense counsel and the prosecuting attorney:

(a) A charge is to be dismissed or reduced; or

(b) A defendant, if he or she pleads guilty to a charge, may receive less than the maximum penalty permitted by law; and

(2) Victim shall mean a person who, as a result of a homicide as defined in sections 28-302 to 28-306, a first degree sexual assault as defined in section 28-319, a first degree assault as defined in section 28-308, a sexual assault of a child as defined in section 28-320.01, a second degree assault as defined in section 28-309, a first degree false imprisonment as defined in section 28-314, a second degree sexual assault as defined in section 28-320, or a robbery as defined in section 28-324, has had a personal confrontation with the offender and shall also include a person who has suffered serious bodily injury as defined in section 28-109 as a result of a motor vehicle accident when the driver was charged with a ~~Class W misdemeanor as provided in~~ violation of section 60-6,196 or 60-6,197 or with violation of a city or village ordinance enacted in conformance with either of such sections. In the case of a homicide, victim shall mean at least one family representative but shall not include the alleged perpetrator of the homicide. In the case of a sexual assault of a child, victim shall mean the child victim and the parents, guardians, or duly appointed legal representative of the child victim but shall not include the alleged perpetrator of the sexual assault.".

2. On page 9, strike beginning with "The" in line 4 through "days" in line 5, show as stricken, and insert "No motor vehicle impounded under this section shall be impounded for a period of time exceeding thirty days, except as provided in subsection (3) of this section".

3. On page 10, line 6, strike "operator" and insert "owner".

4. On page 13, line 24, after "receipt" insert "by the director".

5. On page 14, line 10, after "60-6,211.05" insert "or an order issued by the Board of Pardons pursuant to section 20 of this act"; and in lines 19 and 20 strike "14 and 15" and insert "15 and 16".

6. On page 16, line 5; and page 24, line 6, strike "five-hundred-dollar" and insert "four-hundred-dollar".

7. On page 18, line 2; and page 26, line 5, strike "five-hundred-dollar" and insert "six-hundred-dollar".

8. On page 21, line 8; and page 29, line 17, after "facility" insert "if an adult or a juvenile detention facility if a person under eighteen years of age".

9. On page 21, lines 13 and 15; and page 29, lines 22 and 24, strike "five" and insert "seven".

10. On page 35, lines 20 through 22, strike the new matter and insert "Upon receipt of the hearing officer's sworn report, the director's order of revocation has prima facie validity and it becomes the petitioner's burden to establish by a preponderance of the evidence grounds upon which the operator's license revocation should not take effect.".

11. On page 36, line 15, after "revocations" insert "on which final orders have been issued".

12. On page 44, line 12, after "responsibility" insert "as required by the Motor Vehicle Safety Responsibility Act".

13. On page 45, line 7; page 46, line 3; and page 48, line 19, strike "19" and insert "20".

14. On page 47, line 21, strike "Department" and insert "Director"; and in line 27 strike "department" and insert "director".

15. On page 48, line 22; and page 49, line 2, after "28-106," insert "29-119,".

16. Renumber the remaining sections accordingly.

The Bromm amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Will renewed his pending amendment, AM3431, found on page 884.

Mr. Dw. Pedersen renewed his pending amendment, AM3572, found on page 947, to the Will pending amendment.

The Dw. Pedersen amendment was adopted with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

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

The Will amendment, AM3431, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

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

Mr. Chambers withdrew his amendment, AM3305, found on page 947.

Mr. Chambers offered the following amendment:
AM3818

(Amendments to E & R amendments, AM7206)

1. On page 20, lines 14 through 27, reinstate the stricken matter and strike the new matter.
2. On page 21, strike the new matter.
3. On page 27, strike lines 7 through 10.
4. On page 29, strike the new matter.
5. On page 43, strike lines 14 through 27.
6. On page 44, strike lines 1 through 17.

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

**MR. WILL PRESIDING**

Mr. Beutler 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.

The Chambers amendment was adopted with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Abboud offered the following amendment:
AM3765

(Amendments to E & R amendments, AM7206)

1. Insert the following new section:

"Sec. 10. Section 60-6,208, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,208. Any person who feels himself or herself aggrieved because of such revocation may appeal therefrom to the district court of the county where the alleged events occurred for which he or she was arrested in accordance with the Administrative Procedure Act. Such appeal shall ~~not~~ suspend the order of revocation ~~unless a stay thereof is allowed by a judge of such court pending a final determination of the review. If a stay is allowed and~~ until the final judgment of a court finds against the person so appealing. The ~~,~~ ~~the~~ period of revocation shall commence at the time of final judgment of the court for the full period of the time of revocation.".

2. On page 14, lines 19 and 20, strike "14 and 15" and insert "15 and 16".

3. On page 45, line 7; page 46, line 3; and page 48, line 19, strike "19" and insert "20".

4. Amend the repealer and renumber the remaining sections accordingly.

The Abboud amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Messrs. Bromm, Coordsen, Elmer, Dw. Pedersen, Matzke, and Mrs. Thompson offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3629.)

Mr. Engel asked unanimous consent to be excused. No objections. So ordered.

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

The Bromm et al. amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Dw. Pedersen renewed his pending amendment, AM3528, found on page 934.

Mr. Dw. Pedersen withdrew his amendment.

Pending.

**AMENDMENTS - Print in Journal**

Mrs. Witek filed the following amendment to LB 1070:
AM3826

(Amendments to E & R amendments, AM7221)

1. Insert the following section:

"Sec. 7. Section 73-401, Revised Statutes Supplement, 1997, is amended to read:

73-401. ~~Except for long-term care facilities subject to the jurisdiction of the state long-term care ombudsman pursuant to the Long-Term Care Ombudsman Act, the~~ The contracting agency shall ensure that any contract which a state agency enters into or renews which agrees that a corporation, partnership, business, firm, governmental entity, or person shall provide health and human services to individuals on behalf of the State of Nebraska:

(1) Shall contain a clause which limits the duration of the contract to two years with no automatic renewal clause; and

(2) Shall ~~shall~~ contain a clause requiring the corporation, partnership, business, firm, governmental entity, or

person to submit to the jurisdiction of the Public Counsel under sections 81-8,240 to 81-8,254 with respect to the provision of services under the contract, except when the contract involves long-term care facilities subject to the jurisdiction of the state long-term care ombudsman pursuant to the Long-Term Care Ombudsman Act.".

2. On page 17, line 6, after the first comma insert "section 73-401, Revised Statutes Supplement, 1997,".

3. Renumber the remaining sections accordingly.

Mr. Vrtiska filed the following amendment to LB 1026:
AM3793

(Amendments to Standing Committee amendments, AM3415)

1. On page 1, line 10, strike "shall" and insert "may"; and strike beginning with "This" in line 11 through "The" in line 13 and insert "If the county treasurer elects to provide such notice, the".

Mr. Tyson filed the following amendment to LB 1129:
AM3816

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new section:

"Section 1. Section 70-637, Reissue Revised Statutes of Nebraska, is amended to read:

70-637. Before any district enters into any contract for the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, any ethanol producing or distributing system, any irrigation works, or any part or section thereof for the use of the district or for the purchase of any materials, machinery, or apparatus to be used in such construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement, such district shall cause estimates of the cost thereof to be made by some competent engineer or engineers. If such estimated cost exceeds the sum of ~~fifty~~ one hundred thousand dollars, no such contract shall be entered into without advertising for sealed bids, except that (1) the board may negotiate directly with sheltered workshops pursuant to section 48-1503 and (2) with respect to contracts entered into by a district in the exercise of its rights and powers relating to radioactive material or the energy therefrom, ~~or~~ to any maintenance or repair contracts, if the engineer or engineers certify that by reason of the nature of the subject matter of the contract compliance with this section would be impractical and not in the public interest and the engineer's certification is approved by a two-thirds vote of the board, the provisions of sections 70-637 to 70-639 relating to sealed bids shall not apply and the district shall advertise notice of its intention to enter into such contract, the general nature of the proposed work, and the name of the person to be contacted for

additional information by anyone interested in contracting for such work. Any contract for which the board has approved such engineer's certificate shall be advertised in three issues not less than seven days between issues in one or more newspapers of general circulation in the district and in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of its intention to enter into such contract, and any such contract shall not be entered into prior to twenty days after the last advertisement. With respect to contracts in excess of ~~fifty~~ one hundred thousand dollars entered into for the purchase of any materials, machinery, or apparatus to be used in the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, any ethanol producing or distributing system, any irrigation works, or any part or section thereof when the contract does not include onsite labor for the installation thereof, if, after advertising for sealed bids, no responsive bids are received or if the board of directors of such district determines that all bids received are in excess of the fair market value of the subject matter of such bids, sections 70-637 to 70-639 shall not apply.

Notwithstanding any other provision of sections 70-637 to 70-639, a district may, without advertising or sealed bidding, purchase replacement parts or services relating to such replacement parts for any generating unit, transformer, or other transmission and distribution equipment from the original manufacturer of such equipment upon certification by an engineer or engineers that such manufacturer is the only available source of supply for such replacement parts or services and that such purchase is in compliance with standards established by the board. A written statement containing such certification and a description of the resulting purchase of replacement parts or services from the original manufacturer shall be submitted to the board for its approval at the next scheduled meeting of the board by the engineer or engineers certifying the purchase. After such certification, but not necessarily before the board review, notice of any such purchase shall be published once a week for at least three consecutive weeks in one or more newspapers of general circulation in the district and published in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of such purchase. Notwithstanding any other provision of sections 70-637 to 70-639, a district may purchase used equipment and materials on a negotiated basis without advertising or sealed bidding upon certification by an engineer that such equipment is or materials are in compliance with standards established by the board. A written statement containing such certification and a description of the resulting purchase shall be submitted to the board by the engineer certifying the purchase for the board's approval at the next scheduled meeting of

the board.".

2. On page 11, line 6, after "sections" insert "70-637,".

3. Renumber the remaining sections accordingly.

Ms. Schimek filed the following amendment to LB 1175:
AM3820

1. Insert the following new section:

"Sec. 5. Section 79-214, Reissue Revised Statutes of Nebraska, is amended to read:

79-214. (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.".

2. Amend the operative date and repealer sections so that section 5 added by this amendment becomes operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Ms. Schimek filed the following amendment to LB 1229:
AM3410

1. Insert the following new section:

"Sec. 2. Section 79-214, Reissue Revised Statutes of Nebraska, is amended to read:

79-214. (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.".

2. On page 23, line 15, after "9-812" insert ", 79-214,".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Brown filed the following amendment to LB 1035:
AM3691

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. Section 44-392, Reissue Revised Statutes of Nebraska, is amended to read:

44-392. ~~It shall hereafter be unlawful for any bank, trust company, investment company, bank affiliate, corporation, partnership, limited liability company, or association, owned or controlled by any bank located in any incorporated city of this state having a population of two hundred thousand or over, to sell, write, or solicit any kind or form of insurance, either directly or indirectly, through any officer, agent, employee, or representative thereof. Any such bank, trust company, investment company, bank affiliate, corporation, partnership, limited liability company, or association, owned or controlled by any bank, or any officer, agent, employee, or representative thereof, who violates this section shall be guilty of a Class II misdemeanor~~ Any bank, trust company, investment company, bank affiliate, corporation, partnership, limited liability company, or association, owned or

controlled by any bank located in this state, may sell, or solicit any kind or form of insurance, either directly or indirectly, through any officer, agent, employee, or representative thereof. The sale and solicitation of insurance pursuant to this section shall be subject to compliance with the insurance laws of this state and rules and regulations adopted and promulgated thereunder.

Sec. 5. Section 44-1525, Revised Statutes Supplement, 1997, is amended to read:

44-1525. Any of the following acts or practices, if committed in violation of section 44-1524, shall be unfair trade practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(a) Misrepresents the benefits, advantages, conditions, or terms of any policy;

(b) Misrepresents the dividends or share of the surplus to be received on any policy;

(c) Makes any false or misleading statements as to the dividends or share of surplus previously paid on any policy;

(d) Misleads as to or misrepresents the financial condition of any insurer or the legal reserve system upon which any life insurer operates;

(e) Uses any name or title of any policy or class of policies which misrepresents the true nature thereof;

(f) Misrepresents for the purpose of inducing or tending to induce the purchase, lapse, forfeiture, exchange, conversion, or surrender of any policy, including intentionally misquoting any premium rate;

(g) Misrepresents for the purpose of effecting a pledge or assignment of or effecting a loan against any policy; or

(h) Misrepresents any policy as being shares of stock;

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance or with respect to any insurer in the conduct of his or her insurance business which is untrue, deceptive, or misleading;

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false or maliciously critical of or derogatory to the financial condition of any insurer and which is calculated to injure such insurer;

(4) Entering into any agreement to commit or by any concerted action committing any act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of or monopoly in the business of insurance;

(5)(a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or knowingly causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition of an insurer; or

(b) Knowingly making any false entry of a material fact in any book, report, or statement of any insurer or knowingly omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer;

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance;

(7)(a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any life insurance policy or annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such policy or annuity;

(b) Making or permitting any unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, or rates charged for any sickness and accident insurance policy or in the benefits payable thereunder, in any of the terms or conditions of such policy, or in any other manner, except that this subdivision shall not limit the negotiation of preferred provider policies and contracts under sections 44-4101 to 44-4113;

(c) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(d) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew,

canceling, or limiting the amount of insurance coverage on a residential property risk, or the personal property contained therein, because of the age of the residential property unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(e) Refusing to insure, refusing to continue to insure, or limiting the amount of coverage available to an individual solely because of the sex or marital status of the individual. This subdivision shall not prohibit an insurer from taking marital status into account for the purpose of defining individuals eligible for dependent benefits; or

(f) Terminating or modifying coverage or refusing to issue or refusing to renew any property or casualty insurance policy solely because the applicant or insured or any employee of the applicant or insured is mentally or physically impaired unless:

(i) The termination, modification, or refusal is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The termination, modification, or refusal is required by law, rule, or regulation.

This subdivision (f) shall not apply to any sickness and accident insurance policy sold by a casualty insurer and shall not be interpreted to modify any other provision of law relating to the termination, modification, issuance, or renewal of any policy;

(8)(a) Except as otherwise expressly provided by law:

(i) Knowingly permitting or offering to make or making any life insurance policy, annuity, or sickness and accident insurance policy, or agreement as to any such policy or annuity, other than as plainly expressed in the policy or annuity issued thereon, or paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, as inducement to such policy or annuity, any rebate of premiums payable on the policy or annuity, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the policy or annuity; or

(ii) Giving, selling, purchasing, or offering to give, sell, or purchase as inducement to such policy or annuity or in connection therewith any stocks, bonds, or other securities of any insurer or other corporation, association, partnership, or limited liability company, or any dividends or profits accrued thereon, or anything of value not specified in the policy or annuity.

(b) Nothing in subdivision (7) or (8)(a) of this section shall be construed as including within the definition of discrimination or rebates any of the following acts or practices:

(i) In the case of any life insurance policy or annuity, paying bonuses to policyholders or otherwise abating their premiums

in whole or in part out of surplus accumulated from nonparticipating insurance if such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the insurer and its policyholders;

(ii) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses; or

(iii) Readjustment of the rate of premium for a group insurance policy based on the loss or expense thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(9) Failing of any insurer to maintain a complete record of all the complaints received since the date of its last examination conducted pursuant to the Insurers Examination Act. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of each complaint, and the time it took to process each complaint. For purposes of this subdivision, complaint shall mean any written communication primarily expressing a grievance;

(10) Making false or fraudulent statements or representations on or relative to an application for a policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual person;

(11) Failing of any insurer, upon receipt of a written inquiry from the department, to respond to such inquiry or request additional reasonable time to respond within fifteen working days; and

(12) Violating any provision of section 44-320, 44-348, 44-360, 44-361, 44-369, ~~44-392,~~ 44-393, 44-515 to 44-518, 44-522, 44-523, 44-2132 to 44-2134, 44-3606, 44-4809, 44-4812, 44-4817, or 44-5266.".

2. On page 1, line 1; and page 30, line 1, strike "44-2827.01" and insert "44-392, 44-2827.01,".

3. On page 1, line 4, and page 30, line 3 after "44-787," insert "44-1525,".

4. On page 1, line 8, after the first semicolon insert "to authorize the sale of insurance by banks, trust companies, and similar companies;".

5. Renumber the remaining sections accordingly.

Mr. Coordsen filed the following amendment to LB 989:
AM3790

(Amendments to AM3370)

1. Insert the following new sections:

"Sec. 6. Section 79-1007.02, Revised Statutes Supplement, 1997, is amended to read:

79-1007.02. For state aid calculated for school fiscal year 1998-99 and each school fiscal year thereafter:

(1) Using data from the annual financial reports, the annual statistical summary reports, fall membership reports, and the school district census as reported under sections 79-524 and 79-578 for the most recently available complete data year, the department shall divide the local systems into three cost groupings based upon the following criteria:

(a) Local systems that have (i) less than one-half student per square mile in the county in which the high school attendance center is located, based on the school district census, (ii) less than one formula student per square mile in the local system, and (iii) more than fifteen miles between the high school attendance center and the next closest high school attendance center on paved roads will be in the very sparse cost grouping;

(b) Local systems that do not qualify for the very sparse cost grouping but which meet the following criteria will be in the sparse cost grouping:

(i)(A) Less than two students per square mile in the county in which the high school is located, based on the school district census;

(B) Less than one formula student per square mile in the local system; and

(C) More than ten miles between the high school attendance center and the next closest high school attendance center on paved roads;

(ii)(A) Less than one and one-half formula students per square mile in the local system; and

(B) More than fifteen miles between the high school attendance center and the next closest high school attendance center on paved roads; or

(iii) The local system includes ninety-five percent or more of a county; and

(c) Local systems that do not qualify for the very sparse or the sparse cost groupings will be in the standard cost grouping.

(2) The department shall calculate the average formula cost per student in each cost grouping by dividing the total estimated general fund operating expenditures for the cost grouping by the total adjusted formula students for all local systems in the cost grouping. The total estimated general fund operating expenditures for the cost grouping is equal to the total adjusted general fund operating expenditures for all local systems in the cost grouping multiplied by a cost growth factor. The cost growth factor for each cost grouping is equal to the sum of: (a) One; plus (b) the product of two times the ratio of the difference between the formula students attributable to the cost grouping without weighting or adjustment pursuant to section 79-1007.01 and the average daily membership attributable to the cost grouping for the most recently available complete data year divided by the average

daily membership attributable to the cost grouping for the most recently available complete data year, except that the ratio shall not be less than zero; plus (c) the basic allowable growth rate pursuant to section 79-1025 for the school fiscal year when the aid is to be distributed; plus (d) the basic allowable growth rate pursuant to section 79-1025 for the school fiscal year immediately preceding the school fiscal year when the aid is to be distributed; plus (e) one-half of any additional growth rate allowed by special action of school boards for the school fiscal year when the aid is to be distributed as determined on or before December 1 of the school fiscal year immediately preceding the school fiscal year when aid is to be distributed; plus (f) one-half of any additional growth rate allowed by special action of the school boards for the school fiscal year immediately preceding the school fiscal year when the aid is to be distributed.

(3) Each local system's formula need will be equal to the local system's transportation allowance plus the local system's special education allowance plus the product of the local system's adjusted formula membership multiplied by the average formula cost per student in the local system's cost grouping.

Sec. 7. Section 79-1008.01, Revised Statutes Supplement, 1997, is amended to read:

79-1008.01. For school fiscal year 1998-99 and each school fiscal year thereafter:

(1) Except as provided in section 79-1011 for reorganized districts which become reorganized districts on or before June 30, 2005, and except as provided in subdivision (2) of this section and sections 79-1008.02 to 79-1010, each local system shall receive equalization aid in the amount that the total formula need of each local system, as determined pursuant to sections 79-1007.01, 79-1007.02, and 79-1014, exceeds its total formula resources as determined pursuant to sections 79-1015.01 to 79-1017.01 and 79-1018.01.

(2) Except as provided in section 79-1008.02, a local system shall not receive state aid for school fiscal year 1998-99 and each school fiscal year thereafter which is less than an amount equal to the difference of eighty-five percent of the amount of aid certified in the preceding school fiscal year minus an amount equal to any increase in the adjusted valuation between the adjusted valuation used for the certification of aid in the preceding school fiscal year and the adjusted valuation used for the aid being calculated multiplied by the maximum levy pursuant to subdivision (2)(a) of section 77-3442 without a vote pursuant to section 77-3444.

(3) Except as provided in subsection (2) of this section, no local system may receive equalization aid such that, when total aid is added to a levy of one dollar for state aid to be distributed in school fiscal years 1998-99 and 1999-2000 or of ninety cents for state aid to be distributed in school fiscal year

2000-01 and each school fiscal year thereafter, multiplied by the local system's adjusted valuation divided by one hundred, would result in total local system revenue from state aid plus property tax receipts which exceeds the total of:

(a) State aid plus property tax receipts received by the local system during the preceding school fiscal year multiplied by the total of (i) 1.01 plus (ii) the applicable allowable growth rate for the system calculated pursuant to section 79-1026 as determined on or before December 1 of the school fiscal year immediately preceding the school fiscal year when aid is to be distributed plus (iii) the percentage growth in formula students from the certification of state aid for the immediately preceding school fiscal year to the formula students for the certification of state aid for the current year, except that the percentage growth shall not be less than zero;

(b) Unused budget authority authorized pursuant to section 79-1030; and

(c) The difference between the other actual receipts included in district formula resources for the certification of state aid in the preceding school fiscal year and other actual receipts included in district formula resources for the certification of state aid for the current school fiscal year, except that such difference shall not be less than zero.

For districts that have reorganized, state aid, property tax receipts, and number of formula students shall be attributed based on valuation. The revenue from property tax receipts shall be calculated by multiplying the reported general fund common levy by the assessed valuation subject to the levy divided by one hundred.

(4) The aid that is not distributed through equalization based on subdivision (3) of this section shall be distributed through this subdivision. Local systems that qualify for distribution shall have nine hundred or less formula students and shall have adjusted general fund operating expenditures per formula student less than the average for all local systems with nine hundred or less formula students. The aid shall be distributed proportionally to qualifying districts based on the dollar amount each local system's calculated state aid plus the product of a levy of one dollar and ten cents for school fiscal years 1998-99 and 1999-00 and of one dollar for school fiscal year 2000-01 and each school fiscal year thereafter multiplied by the assessed valuation divided by one hundred is below ninety percent of state aid plus property tax receipts received by the local system during the preceding school fiscal year. No system shall receive aid pursuant to this subdivision such that the calculated state aid plus the product of a levy of one dollar and ten cents for school fiscal years 1998-99 and 1999-00 and of one dollar for school fiscal year 2000-01 and each school fiscal year thereafter multiplied by the assessed valuation divided by one hundred is ninety percent or more

of state aid plus property tax receipts received by the local system during the preceding school fiscal year. Any aid available for distribution pursuant to this subsection that is not distributed pursuant to this subsection shall be distributed as equalization aid.

Sec. 14. Section 79-1083.03, Revised Statutes Supplement, 1997, is amended to read:

79-1083.03. Beginning with the 1998-99 school year:

(1) If the primary high school district is a Class VI district, the Class I district's total allowable general fund budget of expenditures minus the special education budget of expenditures shall be determined by the school board of such Class VI district and shall be certified to the Class I district on or before January 1 of each year for the following school year;

(2) If the primary high school district is not a Class VI district, the Class I district's total allowable general fund budget of expenditures minus the special education budget of expenditures shall be determined by the department as follows:

(a) The total allowable general fund budget of expenditures minus the special education budget of expenditures for the Class I district in the year immediately preceding the year for which the budget is prepared shall be divided by the formula students in the Class I district as defined in section 79-1003, and the result shall be increased by the applicable allowable growth rate for the primary high school district local system for the ensuing school year calculated pursuant to section 79-1026 as determined on or before December 1 of the school fiscal year immediately preceding the school fiscal year for which the budget is prepared;

(b) The total allowable general fund budget of expenditures minus the special education budget of expenditures for the primary high school district in the year immediately preceding the year for which the budget is prepared shall be divided by the formula students in the primary high school district as defined in section 79-1003 weighted by the grade weighting factors contained in subdivision (1) of section 79-1007.01, and the result shall be multiplied by the kindergarten through grade eight formula students as defined in section 79-1003 weighted by the grade weighting factors contained in subdivision (1) of section 79-1007.01 to calculate the total allowable general fund budget of expenditures minus the special education budget of expenditures for kindergarten through grade eight in the primary high school district. The total allowable general fund budget of expenditures minus the special education budget of expenditures for kindergarten through grade eight shall be divided by the kindergarten through grade eight formula students without weighting. The result shall be increased by the applicable allowable growth rate for the primary high school district local system for the ensuing school year calculated pursuant to section 79-1026 as determined on or before December 1

of the school fiscal year immediately preceding the school fiscal year for which the budget is prepared;

(c) The amounts calculated in subdivisions (2)(a) and (2)(b) of this section shall be summed and the result divided by two to arrive at the total allowable general fund budget of expenditures minus the special education budget of expenditures per pupil for the Class I district; and

(d) The total allowable general fund budget of expenditures minus the special education budget of expenditures per pupil for the Class I district shall be multiplied by the formula students for the Class I district as defined in section 79-1003, as used by the department for certification of the ensuing school year's state aid, and the result shall be the total allowable general fund budget of expenditures minus the special education budget of expenditures for the Class I district for the ensuing school year except as provided in subdivision (3) of this section; and

(3) The school board of the Class I district may, prior to February 1 of each year beginning in 1998, submit a request to exceed the total allowable general fund budget of expenditures minus the special education budget of expenditures to all the school boards of the high school district or districts with which the Class I district is affiliated or of which it is a part. For Class I districts to exceed the total allowable general fund budget of expenditures minus the special education budget of expenditures, the request shall be approved by high school districts, including the primary high school district, such that the portions of the Class I district that are affiliated with or part of the approving high school districts comprise at least two-thirds of the assessed valuation of the Class I district. Such request shall specify the total general fund budget of expenditures for which the Class I district seeks authority. The high school district shall act on the request by March 1 following the receipt of such request.".

2. On page 3, lines 1 and 2, strike "in an account or accounts"; and in line 5 strike "account" and insert "fund".

3. On page 9, line 7, after the period insert "The Auditor of Public Accounts shall provide to the Department of Revenue a list of the bond and nonbond tax request amounts from the most recent budgets filed by incorporated municipalities. The information shall be used to calculate the bond and nonbond tax levies for aid purposes under this section. The auditor shall provide the information to the department by February 1 each year.".

4. On page 10, line 11, after "the" insert "local system's".

5. On page 13, line 4, strike "weighted"; and in lines 26 and 27 strike the new matter.

6. On page 13, line 26; and page 14, line 4, strike "actual" and show as stricken.

7. On page 14, line 25; and page 17, line 18, strike "its", show as stricken, and insert "the local system's".

8. On page 17, line 17, after "a" insert "Class II, III, IV, V, or VI"; and in line 21 strike "district's", show as stricken, and insert "local system's".

9. On page 21, line 11, strike "79-1026, and 79-1029" and insert "79-1007.02, 79-1008.01, 79-1026, 79-1029, and 79-1083.03".

10. Renumber the remaining sections and correct internal references accordingly.

Mr. Tyson filed the following amendment to LB 989:
AM3769

(Amendments to Standing Committee amendment, AM3370)

1. On page 8, line 8, strike "or" and show as stricken; in line 10 after "Relations" insert "other than those specified in subdivision (7) of this section"; and in line 13 after "unit" insert ", or (7) restricted funds budgeted to pay for judgments or orders from the Commission of Industrial Relations issued pursuant to section 48-818 which apply to a municipality if the judgment or order meets the following criteria:

(a) With respect to a judgment or order that applies to a city of the first or second class or a village, the judgment or order is not based on a comparison with any employer outside the state unless at least three job matches with the same or similar work cannot be found within the state for the job classification;

(b) With respect to a judgment or order that applies to any class of municipality, the judgment or order is not based on a comparison with an employer in a municipality with a population of more than double or less than one-half of the population of the municipality which is the subject of the comparison; and

(c) With respect to a judgment or order that applies to any class of municipality, the judgment or order is not based on a comparison with an employer in a municipality whose metropolitan area population is more than double or less than one-half of the metropolitan area population of the municipality which is the subject of the comparison".

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1073A.** 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 1073, Ninety-fifth Legislature, Second Session, 1998; to reduce an appropriation; and to declare an emergency.

## SELECT FILE

**LEGISLATIVE BILL 309.** Mr. Chambers offered the following amendment:
FA591
Amend AM7206
P. 41, line 13, strike and show as stricken "reasonable grounds" and insert "probable cause"; and in line 20, strike "placed under arrest" and show as stricken, and insert, "cited for a traffic infraction"

Mmes. Hillman, Suttle, Messrs. Hilgert, Dw. Pedersen, Brashear, Abboud, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm offered the following amendment to the Chambers pending amendment:
FA592
Amend FA591
Strike from the semicolon in the second line to the end.

The Bromm amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The Chambers amendment, as amended, was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mmes. Robak, Thompson, Kiel, and Mr. Will asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA593
Amend AM7206
1. Strike section 2
2. P. 20 line 5; strike the new matter after the period through the end of line 7.
3. P. 28 line 7; strike the new matter after the period through the end of line 9.

## SPEAKER KRISTENSEN PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 922.** Placed on Select File as amended.
E & R amendment to LB 922:
AM7231

1. On page 1, line 2; and page 251, line 12, before "28-1007" insert "11-201,".

2. On page 1, line 13; and page 251, line 22, strike "37-901.01" and insert "37-902".

3. On page 2, line 9; and page 252, line 3, strike "11-201,".

4. On page 2, line 22, after the semicolon insert "to provide for habitual offenders;".

5. On page 8, line 10, strike the comma and show as stricken; and in line 21 strike the second "and" and show as stricken.

6. On page 9, line 13, strike the comma and show as stricken.

7. On page 15, line 17, after "fish" insert ", as listed in rules and regulations of the commission,"; and strike beginning with the first "and" in line 19 through "commission" in line 20.

8. On page 16, line 8, after the comma insert "as listed in rules and regulations of the commission,"; and strike beginning with "and" in line 9 through "commission" in line 10.

9. On page 19, line 19, after the second "fish" insert ", as listed in rules and regulations of the commission,"; and strike beginning with "and" in line 20 through "commission" in line 21.

10. On page 29, line 13, strike the comma.

11. On page 30, line 8, strike the comma; and in line 10 strike the second and third commas.

12. On page 37, lines 2 and 14; page 80, lines 24 and 25; and page 81, lines 3 and 4, strike "Game and Parks Commission", show as stricken, and insert "commission".

13. On page 38, line 25, after "desirable" insert an underscored comma.

14. On page 97, line 26, strike "sections" and insert "section"; and in line 27 strike "and" and insert "or".

15. On page 98, line 24, strike "161" and insert "162".

16. On page 99, lines 13 and 20, strike "161" and insert "162".

17. On page 110, line 28, strike "license", show as stricken, and insert "permit".

18. On page 114, line 17, after "any" insert "fur-bearing animals," and strike "fur-bearing animals," and show as stricken; and in line 18 strike "34" through "37" and insert "36, 38, 39".

19. On page 122, line 16, after "acres" insert ",

except", strike the new matter, and reinstate the stricken "that a".

20. On page 129, line 26, strike "providing" and insert "if".

21. On page 130, line 12, strike "disposed of" and insert "deposited".

22. On page 132, lines 6 and 7, strike "permit" and insert "license".

23. On page 149, line 28, after "percent" insert an underscored comma.

24. On page 193, line 4, after "Nebraska" insert an underscored comma.

25. On page 206, lines 27 and 28, strike the new matter and insert ", the definitions found in sections 13 to 46, 48, 49, 51, and 53 to 57 of this act and the following sections are used".

26. On page 240, line 13, after "45-608" insert an underscored comma.

**LEGISLATIVE BILL 1229.** Placed on Select File as amended.
(E & R amendment, AM7223, 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 1229A.** Placed on Select File.

**LEGISLATIVE BILL 1070.** Placed on Select File as amended.
(E & R amendment, AM7221, 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 as amended.
E & R amendment to LB 1120:
AM7224

1. In the Standing Committee amendments, AM3364:

a. On page 2, line 4, after "fire" insert "protection";

b. On page 3, line 4, strike the period and insert an underscored semicolon; in line 11 strike the period and insert "; and"; and in line 25 strike beginning with "effective" through "act" and insert "operative date of this section";

c. On page 5, line 20, strike "(b)" and insert "(1)(b)";

d. On page 6, line 11, after the period insert "(1)"; and in line 13 strike beginning with "clerk" through "meeting", show as stricken, and insert "board for public hearing";

e. On page 20, line 24, after "effective" insert an underscored comma; and strike "clerk" and insert "board";

f. On page 23, line 22, strike the new matter and reinstate the stricken matter;

g. On page 24, line 1, after both occurrences of "resolution" insert "or ordinance";

h. On page 26, line 26, strike "section" and show as stricken; and

i. On page 28, line 8, after "31" insert "of this act"; and in line 10 strike "becomes" and insert "become".

2. On page 1, strike beginning with line 2 through "date" in line 12 and insert "35-502, 35-507, 35-509.01, 35-511, 35-514, 35-521, 35-522, 35-530 to 35-533, 35-535, 35-536, 77-3,119, and 77-912, Reissue Revised Statutes of Nebraska, and sections 35-506, 35-508, 35-509, 35-516, and 35-517, Revised Statutes Supplement, 1996; to adopt the Mutual Finance Assistance Act; to change and eliminate provisions relating to rural and suburban fire protection districts; to change references relating to registered voters; to harmonize provisions; to provide operative dates".

**LEGISLATIVE BILL 1162.** Placed on Select File as amended.
(E & R amendment, AM7230, 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 924.** 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 924A.** Placed on Select File.
**LEGISLATIVE BILL 1193.** Placed on Select File.

**LEGISLATIVE BILL 1173.** Placed on Select File as amended.
E & R amendment to LB 1173:
AM7228

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $2,500,000 from the General Fund for FY1998-99 and (2) $2,500,000 from the General Fund for FY1999-00 to Agency 83 -- Aid to Community Colleges, for Program 99, to be distributed by the Department of Administrative Services through a grant for the construction of a center for excellence in electronics. The center shall conduct training in applied electronics technology and evaluation and testing of electronics equipment pursuant to the first, third, and fourth instructional and service priorities of section 85-962.

The grant shall be based on a proposal submitted by the Southeast Community College area to the Nebraska Community College Aid, Grant, and Contract Review Committee. The award of the grant shall be reported by the committee to the Director of Administrative Services. The grant shall not in the aggregate exceed the General Fund amount appropriated in this section.

Sec. 2. It is the intent of the Legislature that the appropriation provided in section 1 of this act be the maximum

amount of state funds applied to this project. All costs of the center greater than such appropriation shall be funded from nonstate sources. The costs of the center greater than such appropriation shall include costs of operation, maintenance, and necessary upgrading of equipment. Nonstate sources for the purpose of this section and sections 6 and 9 of this act means fees, grants, and contributions from individuals, corporations, companies, and associations for the evaluation and testing of electronics equipment.

Sec. 3. The proposal submitted by the Southeast Community College area under section 1 of this act shall include an operating plan for the center. The operating plan shall show financial commitments from nonstate sources and reasonably estimated revenue to provide the operation, maintenance, and necessary upgrading of equipment for a period of at least one year beyond the time that the operating plan shows a positive cash flow. The plan shall include a review by an independent financial analyst on the plan's reasonableness.

Sec. 4. The proposal submitted by the Southeast Community College area under section 1 of this act shall include provisions for cooperative efforts with other community college areas for use of the center for training in applied electronics technology.

Sec. 5. The Southeast Community College area may contract with a nonprofit corporation to operate the facility. Nonstate sources may be used for the costs of construction of the center.

Sec. 6. If the Southeast Community College area determines that nonstate sources are insufficient to provide for operating costs, maintenance, and necessary upgrading of equipment, the center facilities shall be sold and the proceeds shall go to Agency 83 -- Aid to Community Colleges, for Program 99, and distributed to the community college areas. The sale shall be subject to rights retained by the owner of the property on which the center is located.

Sec. 7. The Southeast Community College area may sell the center facilities at not less than its audited book value of assets. The sale shall be subject to consent by the owner of the property on which the center is located, which consent shall not be unreasonably withheld. The proceeds of the sale in an amount equal to the grant shall go to the Southeast Community College area, and proceeds in excess of the grant shall go to Agency 83 -- Aid to Community Colleges, for Program 99, for distribution to community college areas. The sale shall be subject to rights retained by the owner of the property on which the center is located.

Sec. 8. Following any year the center shows a net positive cash flow, the center shall annually set aside into a reserve fund an amount equal to sixty-seven percent of its net income less debt repayment for that year. The reserve fund shall

be available to the center for capital investment consistent with the purposes of the center which have a net positive present value. The reserve fund shall go to Agency 83 -- Aid to Community Colleges, for Program 99, at such time as the center facilities are sold.

Sec. 9. The Southeast Community College area shall report to the Legislature by December 31 of each year on the financial condition of the center, funding received from nonstate sources, training conducted, and testing and evaluation services provided.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 2, after the semicolon insert "to provide powers and duties for the Southeast Community College area;".

**LEGISLATIVE BILL 1362.** Placed on Select File as amended.
E & R amendment to LB 1362:
AM7229

1. In FA584, on page 1, strike "769,498.36" and insert "757,498.36" and strike "819,498.36" and insert "807,498.36".

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
### Revenue

**LEGISLATIVE BILL 1142.** Placed on General File as amended.
Standing Committee amendment to LB 1142:
AM3776

1. Strike the original sections and insert the following new sections:

"Section 1. (1) By September 30, 1999, and each September 30 thereafter, each county assessor shall provide an assessment plan and current year budget to the Property Tax Administrator. The plan shall include specific detail on the processes that the county assessor will implement for the next assessment year for (a) the accurate capturing and listing of assessment information, (b) the correlation of the assessed valuations of all real property in the county, and (c) the dissemination of information to the public regarding the actions taken by the county assessor. The plan shall also describe the processes that the county assessor will implement over the next three years to keep the assessment and valuation information current and accurate.

(2) If a county assessor fails to provide a plan or the plan provided fails to meet the requirements of this section, the Property Tax Administrator shall investigate the assessment practices of the county and take any actions necessary to secure compliance with this section pursuant to section 77-1330.

(3) The Property Tax Administrator shall monitor the

implementation of the plan by the county assessor and shall provide advice and counsel on the assessment practices and processes implemented.

(4) The Property Tax Administrator shall develop a model plan that meets the requirements of this section. The model plan shall be available upon request of a county assessor by September 1 each year.

Sec. 2. (1) If the ad valorem property taxes paid by an owner of a parcel of real property on the parcel for a property tax year increase by more than eight percent over the property taxes paid on the parcel for the prior property tax year by the same owner, other than the increases specified in subsection (3) of this section, the owner may apply to the county assessor of the county where the parcel is located, or to the Property Tax Administrator if the Property Tax Administrator has assumed the assessment functions and other duties of the county assessor in the county where the parcel is located, for a refund of the amount of the increased property taxes which are in excess of the eight-percent amount. The maximum refund under this section shall be one thousand dollars per parcel. The application shall be:

(a) Made on a form prescribed by the Property Tax Administrator;

(b) Filed with the county assessor or the Property Tax Administrator within two years after the date the property taxes are paid; and

(c) Accompanied with proof of payment and documentation showing that the conditions of this section have been met, including the prior property tax year and current property tax year paid tax receipts.

(2) The county assessor shall review applications filed with him or her under this section and recommend approval, approval in part, or denial for each application. The county assessor shall complete the review and forward each application to the Property Tax Administrator within thirty days after receipt. The Property Tax Administrator shall review applications filed with, and recommendations forwarded to, him or her under this section and approve, approve in part, or deny each application. The Property Tax Administrator shall notify the applicant at the address on the application of his or her decision. Notification of approval may be included with payment of the refund. The decision of the Property Tax Administrator may be appealed by any affected party in accordance with the Tax Equalization and Review Commission Act.

(3) Property tax increases resulting from the following causes shall not be included in computations of increases under subsection (1) of this section:

(a) Any increase attributable to an addition of new improvements, including development of agricultural land for irrigation, a material change to existing improvements, or a change in zoning of the property;

(b) Any increase attributable due to termination or reduction of a homestead exemption pursuant to sections 77-3501 to 77-3529;

(c) Any increase attributable to an addition to the assessment roll or tax roll of omitted property;

(d) Any increase attributable to change in exempt status of the real property pursuant to section 77-202;

(e) Any increase attributable to the payment of interest or penalty assessed by the county;

(f) Any increase attributable to an override vote by the voters to exceed a levy limit under section 77-3444 or a budget limit under section 13-519 or 79-1029;

(g) Any increase attributable to authorization for bonded debt;

(h) Any increase attributable to the result of tax district changes, such as annexations or reorganizations;

(i) Any increase attributable to loss of special valuation under sections 77-1343 to 77-1348;

(j) Any increase due to judgments, except judgments or orders of the Commission of Industrial Relations, obtained against a political subdivision which require or obligate the political subdivision to pay the judgment to the extent not paid by liability insurance coverage of the political subdivision; and

(k) Any increase due to a change in use of the parcel.

(4) Refunds for approved applications shall be made from the Property Tax Division Cash Fund. The fund shall be reimbursed for refunds from money appropriated for purposes of section 77-27,136 unless the Property Tax Administrator has assumed the assessment functions and other duties of the county assessor in the county in which the parcel is located. The Property Tax Administrator shall certify the amount of such refunds by county to the Tax Commissioner and State Treasurer. The State Treasurer shall transfer the amount of such refunds to the Property Tax Division Cash Fund from money appropriated for purposes of section 77-27,136. If the amount of refunds in a county exceed the amount due the county under section 77-27,136, the State Treasurer shall make the transfer from any other money due the county.

(5) This section applies to ad valorem property taxes on a homestead as defined in section 77-3502 commencing with taxes paid for property tax year 1999 and to ad valorem property taxes paid on any parcel of real property commencing with taxes paid for property tax year 2000.

Sec. 3. Section 77-27,137, Revised Statutes Supplement, 1997, is amended to read:

77-27,137. (1) The appropriation provided for in section 77-27,136 for aid to counties shall be distributed to the various county treasurers of the state.

(2) A tentative distribution shall be determined by dividing seventeen million dollars on the basis of the ratio of the

total amount of property taxes levied by the particular county for county purposes to the total amount of property taxes levied by all counties for county purposes based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Property Tax Administrator pursuant to section 77-1613.01.

(3) The tentative distribution to each county computed under subsection (2) of this section shall be reduced by dividing three million five hundred thousand dollars on the basis of the ratio of the total amount of taxable value of agricultural income-producing machinery and equipment in a particular county to the total amount of taxable value of agricultural income-producing machinery and equipment in all counties based on the amounts certified by the counties to the Property Tax Administrator on the certificate of taxes levied pursuant to section 77-1613.01.

(4) The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Before certifying such amounts, the Tax Commissioner shall reduce the amount to be distributed to a county by refunds made in the county and processing fees remitted to a county assessor under section 2 of this act in the prior year. Each amount shall be distributed in seven as nearly as possible equal monthly payments on the last business day of each month beginning in December. The State Treasurer shall, on the business day preceding the last business day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.

Sec. 4. Original section 77-27,137, Revised Statutes Supplement, 1997, is repealed.".

**LEGISLATIVE BILL 1290.** Placed on General File as amended.
Standing Committee amendment to LB 1290:
AM3637

1. On page 3, line 16, strike "or" and insert "and"; in lines 17 and 25 strike "twenty-five thousand" and insert "thirty-seven thousand five hundred"; in line 25 before "dollars" insert "five hundred"; and in line 28 strike "three-hundred thirty-four" and insert "five hundred".

2. On page 4, line 1, strike "twenty-five thousand" and insert "thirty-seven thousand five hundred".

3. On page 6, line 24, strike "one hundred" and insert "fifty"; and in line 26 strike "fifty" and insert "twenty-five".

4. On page 7, line 3, after the period insert "If two or more taxpayers in a single enterprise zone are qualified to receive credits pursuant to this subsection in a total amount exceeding the

sum authorized in this subsection, the credits shall be allocated based upon the date upon which claims for such credits are filed with the Department of Revenue.".

(Signed) William R. Wickersham, Chairperson

**AMENDMENTS - Print in Journal**

Mrs. Kiel filed the following amendment to LB 309:
AM3833

(Amendments to E & R amendments, AM7206)

1. On page 21, line 15; and page 29, line 24, after the period insert:

"(10) Any person in possession of a motor vehicle who allows control of such motor vehicle to be placed with another who he or she knows or should have known is under the influence of alcoholic liquor or of any drug is guilty of a Class IIIA misdemeanor. Such person is also liable for any damages which result from allowing another under the influence of alcoholic liquor or of any drug to operate such motor vehicle.".

Mrs. Brown filed the following amendment to LB 1063:
AM3399

(Amendments to E & R amendments, AM7208)

1. Insert the following new section:

"Sec. 6. The changes made to sections 68-1019, 68-1020, 68-1021, and 68-1037 by this legislative bill terminate on July 1, 2001, unless extended by the Legislature.".

2. On page 7, line 15, strike "and"; and in line 18 after "Governor" insert "; and

(e) Two representatives of children advocacy groups and families appointed by the Governor".

3. Renumber the remaining sections accordingly.

Mr. Wesely filed the following amendment to LB 1063:
AM3482

(Amendments to E & R Amendments AM7208)

1. Insert the following new sections:

"Section 1. Section 44-710.01, Reissue Revised Statutes of Nebraska, is amended to read:

44-710.01. No policy of sickness and accident insurance shall be delivered or issued for delivery to any person in this state unless (1) the entire money and other considerations therefor are expressed therein, (2) the time at which the insurance takes effect and terminates is expressed therein, (3) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent

children, any children enrolled on a full-time basis in any college, university, or trade school, or any children under a specified age which shall not exceed twenty-three years and any other person dependent upon the policyholder; any individual policy hereinafter delivered or issued for delivery in this state which provides that coverage of a dependent child shall terminate upon the attainment of the limiting age for dependent children specified in the policy shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child during the continuance of such policy and while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the policyholder for support and maintenance, if proof of such incapacity and dependency is furnished to the insurer by the policyholder within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the insurer but not more frequently than annually after the two-year period following the child's attainment of the limiting age; such insurer may charge an additional premium for and with respect to any such continuation of coverage beyond the limiting age of the policy with respect to such child, which premium shall be determined by the insurer on the basis of the class of risks applicable to such child, (4) it contains a title on the face of the policy correctly describing the policy, (5) the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in sections 44-710.03 and 44-710.04, are printed, at the insurer's option, either included with the benefit provision to which they apply or under an appropriate caption such as EXCEPTIONS, or EXCEPTIONS AND REDUCTIONS; if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies, (6) each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof, ~~and~~ (7) it contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the Director of Insurance, and (8) on or after January 1, 1999, any restrictive rider contains a notice of the existence of the Comprehensive Health Insurance Pool if the policy provides health insurance as defined in section 44-4209.

Sec. 2. Section 44-4221, Revised Statutes Supplement, 1997, is amended to read:

44-4221. (1) To be eligible to purchase health insurance from the pool, a person shall:

(a) Be a resident of the state for a period of at least

six months and shall:

(i) Have received, within six months prior to application to the pool, a rejection in writing, for reasons of health, from an insurer;

(ii) Currently have, or have been offered within six months prior to application to the pool, health insurance coverage by an insurer which includes a restrictive rider which limits insurance coverage for a preexisting medical condition; ~~for a period of time exceeding twelve months;~~ or

(iii) Have been refused health insurance coverage comparable to the pool, or have been offered such coverage at a rate exceeding the premium rate for pool coverage, within six months prior to application to the pool; or

(b) Be a resident of the state for any length of time and be an individual:

(i) For whom, as of the date the individual seeks coverage under this section, the aggregate of the periods of creditable coverage is eighteen or more months and whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan;

(ii) Who is not eligible for coverage under a group health plan, Part A or Part B of Title XVIII of the Social Security Act, or a state plan under Title XIX of the Social Security Act, or any successor program, and who does not have any other health insurance coverage;

(iii) With respect to whom the most recent coverage was not terminated for factors relating to nonpayment of premiums or fraud; and

(iv) Who had been offered the option of continuation coverage under COBRA or under a similar program, who elected such continuation coverage, and who has exhausted such continuation coverage or who had been offered the option of continuation coverage under COBRA or under a similar program at a premium rate higher than that available from the pool.

(2) The board may adopt and promulgate a list of medical or health conditions for which a person would be eligible for pool coverage without applying for health insurance pursuant to this section. Persons who can demonstrate the existence or history of any medical or health conditions on the list adopted and promulgated by the board shall be eligible to apply directly to the pool for insurance coverage.

Sec. 3. Section 44-4227, Reissue Revised Statutes of Nebraska, is amended to read:

44-4227. Premium rates charged for pool coverage may not be unreasonable in relation to the benefits provided, the risk experience, and the reasonable expenses of providing the coverage. Rates shall directly relate to the coverage provided, risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age,

sex, and area variation in claim costs in accordance with established actuarial and underwriting practices. Special rates shall be provided for children under eighteen years of age.

The pool shall determine the standard risk rate by calculating the average individual rate charged by the five insurers writing the largest amount of individual health insurance coverage in the state actuarially adjusted to be comparable with the pool coverage. In the event five insurers do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated risk experience and expenses for such coverage. The annual premium rate established for pool coverage shall be one hundred thirty-five percent of rates established as applicable for individual standard risks, except that the annual premium rate established for pool coverage for children under eighteen years of age shall be sixty-seven and five-tenths percent of rates established as applicable for individual standard risks. The board shall not adjust or increase pool rates more than one time during any calendar year. All rates and rate schedules shall be submitted to the director for approval. The director shall hold a public hearing pursuant to the Administrative Procedure Act prior to approving an adjustment to or increase in pool rates.

Sec. 4. Section 44-4235, Reissue Revised Statutes of Nebraska, is amended to read:

44-4235. Every insurer shall include a notice of the existence of the pool in (1) any rejection of an application for health insurance coverage for reasons of the health of the applicant and (2) any restrictive health insurance rider issued on or after January 1, 1999.".

2. Correct the operative date repealer sections so that the sections added by this amendment become operative three calendar months after the adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler filed the following amendment to LB 1063:
AM3678

(Amendments to E & R amendments, AM7208)

1. Insert the following new section:

"Sec. 6. Each public school district shall annually, at the beginning of the school year, provide written information supplied by the Department of Health and Human Services and the Department of Health and Human Services Finance and Support to every student describing the availability of children's health services provided under the medical assistance program established under sections 68-1018 to 68-1025.

Each hospital shall provide the mother of every child born in such hospital, at the time of such birth, written information provided by the Director of Health and Human Services

and the Director of Finance and Support describing the availability of children's health services provided under the medical assistance program established under sections 68-1018 to 68-1025.

The Director of Health and Human Services and the Director of Finance and Support shall develop and implement other activities designed to increase public awareness of the availability of children's health services provided under the program. These activities may include, but need not be limited to, public service announcements, the development and distribution of printed materials describing the program, periodically locating agency staff at public sites outside the Department of Health and Human Services offices for the purpose of receiving applications for the program, contracting with organizations in order to assist the public to apply for program benefits and to receive referrals for medical services as deemed necessary, and other activities deemed appropriate by the directors. These activities shall include materials and efforts designed to increase participation in the program by minority populations.".

2. Renumber the remaining sections accordingly.

## UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 309. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Ray and Julie Stock from Lindsay; Rose Marie and Marissa Colaiano from Denver, Colorado; and 40 seventh through twelfth grade students, teachers, and sponsors from Boys Town High School, Omaha.

## ADJOURNMENT

At 4:53 p.m., on a motion by Mr. Wickersham, the Legislature adjourned until 9:00 a.m., Wednesday, March 18, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FORTY-FIFTH DAY – MARCH 18, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 18, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Bob Chitwood, Brownville and Talmage Christian Church.

## ROLL CALL

The roll was called and all members were present except Mr. Robinson who was excused; and Messrs. Abboud, Hilgert, Landis, Preister, Schrock, Tyson, Will, Mmes. Bohlke, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

## UNANIMOUS CONSENT - Member Excused

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

## NOTICE OF COMMITTEE HEARING
**Nebraska Retirement Systems**

Wednesday, March 25, 1998 2:00 p.m.
Public Employees Retirement Board
Lormong Lo

(Signed) Ray Janssen, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 1063.** E & R amendment, AM7208, found on page 772, was adopted.

Mrs. Brown withdrew her amendment, FA525, found on page 770.

Mrs. Brown renewed her pending amendment, AM3399, found on page 1108.

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

Mr. Beutler requested a division of the question on the Brown amendment.

The Chair sustained the division of the question.

The first Brown amendment is as follows:
FA595

(Amendments to E & R amendments, AM7208)

2. On page 7, line 15, strike "and"; and in line 18 after "Governor" insert "; and

(e) Two representatives of children advocacy groups and families appointed by the Governor".

3. Renumber the remaining sections accordingly.

The first Brown amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

The second Brown amendment is as follows:
FA594

(Amendments to E & R amendments, AM7208)

1. Insert the following new section:

"Sec. 6. The changes made to sections 68-1019, 68-1020, 68-1021, and 68-1037 by this legislative bill terminate on July 1, 2001, unless extended by the Legislature.".

Messrs. Coordsen, Hartnett, and Mrs. C. Peterson 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.

Mrs. Brown moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Brown requested a roll call vote on her amendment.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Brashear | Bruning | Jones | Pedersen, Dw. | Stuhr |
| Bromm | Engel | Kristensen | Pederson, D. | Vrtiska |
| Brown | Jensen | Maurstad | Schrock | Wehrbein |

Witek

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Janssen | Preister | Thompson |
| Bohlke | Hartnett | Kiel | Raikes | Wesely |
| Chambers | Hilgert | Landis | Schellpeper | Wickersham |
| Coordsen | Hillman | Matzke | Schimek | Will |
| Crosby | Hudkins | Peterson, C. | Suttle | Willhoft |
| Cudaback | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Elmer | Lynch | Schmitt | Tyson |

Excused and not voting, 3:

| | | |
|---|---|---|
| Abboud | Robak | Robinson |

The second Brown amendment lost with 16 ayes, 26 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Wesely renewed his pending amendment, AM3482, found on page 1108.

Mmes. Hillman and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Pending.

## MOTION - Print in Journal

Messrs. Brashear and Lynch filed the following motion to LB 1099:
LB 1099 be placed on General File notwithstanding the action of the Revenue Committee, pursuant to Rule 3, Section 17.

## AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 1162:
AM3778

(Amendments to E & R amendments, AM7230)

1. On page 18, line 13, after "(16)" insert "Participating provider means a provider who, under a contract with the health carrier or with its contractor or subcontractor, has

agreed to provide health care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments, or deductibles, directly or indirectly from the health carrier;

(17)"; and in line 17 strike "(17)" and insert "(18)".

2. On page 26, line 23, strike "appointed under" and insert ", if one is appointed pursuant to"; and in line 24 after "81-3201" insert ", and if not, then the Director of Regulation and Licensure".

3. On page 50, line 3, after "component" insert "on and after the operative date of this section"; and in line 5 after "plans" insert "on and after July 1, 1999".

4. On page 81, line 18, after "no" insert "group"; and in line 24 strike "and".

Mr. Coordsen filed the following amendment to LB 924:
(Amendment, AM3738, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers filed the following amendments to LB 1099:

(1)

FA596

Page 3, line 2, add, "In a city of the metropolitan class, no increase in any sales and use tax shall be approved after the effective date of this act, except by a vote of two-thirds of those voting."

(2)

FA597

Page 3, line 2, add, "In a city of the metropolitan class, no increase in any sales and use tax shall be approved after the effective date of this act, except by a vote of three-fifths of those voting."

(3)

FA598

Page 3, line 2, add, "In a city of the metropolitan class, no increase in any sales and use tax shall be approved after the effective date of this act, except by a vote of a majority of the registered voters in such city."

(4)

FA599

Page 3, line 2, add,"The authority of any city of the metropolitan class to submit to the voters a proposal to increase any sales and use tax, shall terminate on the effective date of this act. Any such tax in effect on the effective date of this act, shall be reduced by one-half of one percent."

(5)

FA600

Page 3, line 2, add, "The authority of any city of the metropolitan class to

submit to the voters a proposal to increase any sales and use tax, shall terminate on the effective date of this act."

## ATTORNEY GENERAL'S OPINION

Opinion No. 98019

| | |
|---|---|
| DATE: | March 16, 1998 |
| SUBJECT: | LB 953; Constitutionality of a bill which would redefine "funeral establishment" |
| REQUESTED BY: | Merton L. Dierks, Senator<br>Nebraska State Legislature |
| WRITTEN BY: | Don Stenberg, Attorney General<br>Lynn A. Melson, Assistant Attorney General |

You have requested an opinion from this office regarding the constitutionality of LB 953. This proposed legislation would redefine the term "funeral establishment" to mean "a place of business devoted to the care and preparation for burial, disposition, or cremation of dead human bodies, and for the purpose of conducting and arranging funeral services therefrom." The current definition, found at Neb. Rev. Stat. § 71-1301(9), provides instead that a "funeral establishment" is "a place of business . . . devoted to the care and preparation of dead human bodies for burial, disposition, or cremation or to conducting or arranging funeral services for dead human bodies." (Emphasis added). You state that the current statute has been interpreted by the Department of Health and Human Services Regulation and Licensure to mean that a funeral establishment need not have a preparation or embalming room. You also state that LB 953 would replace the current definition with the statutory definition of funeral establishment which existed prior to 1993.

You have asked whether the State has authority under the state and federal constitutions to enact LB 953 if the proposed change would restrict the creation of new businesses or expansion of existing businesses legally operating under the current statute. As you have asked our general opinion as to the constitutionality of the proposed legislation, our response to your request must necessarily also be general in nature.

The answer to your question depends on whether LB 953 is found to be a valid exercise of the State's police power. The Nebraska Supreme Court has held that the right to conduct a lawful business is a constitutionally protected right. ***State v. Copple***, 224 Neb. 672, 401 N.W.2d 141 (1987); ***Gillette Dairy, Inc. v. Nebraska Dairy Products Board***, 192 Neb. 89, 219 N.W.2d 214 (1974); ***Lincoln Dairy Co. v. Finigan***, 170 Neb. 777, 104 N.W.2d 227 (1960). However, that right is not absolute and may be curtailed by a proper exercise of the police power of the State to protect the public

health. ***State v. Hinze***, 232 Neb. 550, 441 N.W.2d 593 (1989). Generally, when a fundamental right or suspect classification is not involved in the legislation, a legislative act is a valid exercise of the police power if the act is "rationally related to a legitimate state interest." ***State v. Champoux***, 252 Neb. 769, 772, 566 N.W.2d 763, 765 (1997). ***Accord State ex rel. Dept. of Health v. Jeffrey***, 247 Neb. 100, 525 N.W.2d 193 (1994).

The extent of the State's power to regulate a business or occupation was explained by the Nebraska Supreme Court in ***Gillette Dairy, Inc.***, as follows:

> Whether a business is charged with such a public interest as to warrant its regulation is a legislative question in which the courts ordinarily will not interfere. The Legislature may not, however, under the guise of regulation, impose conditions which are unreasonable, arbitrary, discriminatory, or confiscatory. Such regulations must be reasonable considering the nature of the business and not such as would prevent the carrying on of the business.

192 Neb. at 96-97, 219 N.W.2d at 219-20.

In ***Gillette Dairy, Inc.***, the Nebraska Supreme Court found unconstitutional statutes which regulated the price of dairy products because the State failed to demonstrate that price controls were needed to insure a wholesome product for the public. As stated by the court, "[M]easures adopted by the Legislature to protect the public health and secure the public safety and welfare must have some reasonable relation to those proposed ends . . . " ***Id.*** at 97, 219 N.W.2d at 220.

State regulation of funeral establishments has generally been upheld. As stated by one authority, "[T]he business of operating a mortuary, funeral home or parlor, or undertaking establishment, or of embalming, is one of a public or quasi-public nature, closely related to the health, safety, and general welfare of a community, and is, therefore, a business which, under the police power, may be subjected to reasonable regulation and control by statutes or municipal regulations." 38 Am. Jur. 2d ***Funeral Directors and Embalmers***, § 3 at 75-76 (1968).

You have stated in your request letter that the proposed amendment to the definition of "funeral establishment" is intended to make clear that funeral establishments are places of business at which both the preparation of dead human bodies for burial or other disposition and the conducting and arranging of funeral services occur. We assume, for purposes of this discussion, that the amended statute would be so interpreted. The issue raised then with regard to LB 953 is whether there is a rational and reasonable relationship between the requirement that each funeral establishment have an embalming or preparation room and the public welfare.

The purpose of the requirement is not set out in the statute itself and we

have not been provided with any information concerning its purpose. We presume the bill's proponents believe the requirement is needed to preserve the public's health and safety, but are unaware of their specific concerns. It may be somewhat helpful to add a statement of public purpose to the bill and to articulate the specific concerns at issue in the committee records and floor debate. However, mere statements as to public purpose would not sustain the statute against constitutional challenge if there cannot be demonstrated "a clear, real, and substantial connection between the assumed purpose of the enactment and its actual provisions." ***Eckstein v. City of Lincoln***, 202 Neb. 741 at 744, 277 N.W.2d 91 (1979).

We are unable to predict with any certainty whether the legislation would be upheld by our courts. Unless a rational relationship between the amendment and the public health can be established, LB 953 is constitutionally suspect. We do note, in this regard, that a "branch establishment," as currently defined at Neb. Rev. Stat. § 71-1301(4), is not required to have an embalming room on its premises and LB 953 does not amend that definition. It appears to us that a successful defense of LB 953 would depend not only upon the articulation of a rational relationship between the embalming room requirement for funeral establishments and the public health, but also upon a valid explanation as to why the same health concerns are not applicable to branch establishments. At this time, we have insufficient information to address that issue.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

09-32-16

## RESOLUTION

**LEGISLATIVE RESOLUTION 340.** Introduced by C. Peterson, 35; Schmitt, 41.

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 when partnerships are created among social services 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-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature hereby proclaims April as Child Abuse Prevention Month in Nebraska and calls upon all citizens to increase their participation in efforts to prevent child abuse, thereby strengthening the communities in which we live.

Laid over.

## SELECT FILE

**LEGISLATIVE BILL 1063.** Mr. Beutler renewed his pending amendment, AM3678, found on page 1111.

Mr. Beutler 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 Beutler amendment.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Jensen | Pederson, D. | Thompson |
| Bohlke | Cudaback | Kiel | Peterson, C. | Wesely |
| Brashear | Hartnett | Landis | Preister | Wickersham |
| Bruning | Hillman | Matzke | Schimek | Will |
| Chambers | Janssen | Pedersen, Dw. | Suttle | Willhoft |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Hilgert | Jones | Maurstad | Wehrbein | Witek |
| Hudkins | Kristensen | Tyson | | |

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Bromm | Dierks | Lynch | Schmitt | Stuhr |
| Brown | Elmer | Raikes | Schrock | Vrtiska |
| Coordsen | Engel | Schellpeper | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Abboud | Robak | Robinson |

The Beutler amendment was adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

Mrs. Brown offered the following amendment:
AM3815

(Amendments to E & R amendments, AM7208)

1. Strike section 6 and insert the following sections:

"Section 1. It is the intent of the Legislature that sections 1 to 6 of this act provide for the exchange of immunization information between professionals, facilities, and departments for the purpose of protecting the public health by facilitating age-appropriate immunizations which will minimize the risk of outbreak of childhood diseases.

Sec. 2. A patient or, if the patient is a minor, the patient's parent or legal guardian may deny access under sections 1 to 6 of this act to the patient's immunization information by signing a nondisclosure form with the professional or entity which provided the immunization. The nondisclosure form shall be kept with the immunization information of the patient and such immunization information is considered restricted immunization information.

Sec. 3. A physician, a nurse practitioner, a physician assistant, a pharmacist, a licensed health care facility, a public immunization clinic, a local or district health department, 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 may share immunization information which is not restricted under section 2 of this act. The unrestricted immunization information shared may include, but is not limited to, the patient's name, date of birth, dates and vaccine types administered, and any immunization information obtained from other sources.

Sec. 4. (1) Immunization information which is not restricted under section 2 of this act concerning children enrolled in a child care program licensed pursuant to sections 71-1908 to 71-1917, a school, or a postsecondary educational institution may be accessed by the licensed child care program, school, or institution of higher education from any of the persons or entities described in section 3 of this act, subject to security provisions to be set by rule and regulation as provided in section 5 of this act. Such immunization information is limited to the child's name, date of birth, immunization provider, and all dates of immunization by vaccine type documented in the immunization information. The access to immunization information by a licensed child care program, school, or a postsecondary educational institution under this section does not change a parent's or legal guardian's right to access medical information about his or her child or ward.

(2) Immunization information received under this section is confidential, except that a child's immunization information

received under this section may be disclosed to the child's parents or legal guardian. Unauthorized public disclosure of such confidential information by an individual or an officer or employee of a child care program licensed pursuant to sections 71-1908 to 71-1917, a school, or an institution of higher education is a Class III misdemeanor.

(3) The person or entity described in section 3 of this act which provides immunization information to a licensed child care program, a school, or a postsecondary educational institution in accordance with this section may charge a reasonable fee to recover the cost of providing such immunization information.

Sec. 5. 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 may adopt and promulgate rules and regulations to implement sections 1 to 6 of this act, including procedures and methods for access to and security of the immunization information.

Sec. 6. Any person who receives or releases immunization information in the form and manner prescribed in sections 1 to 6 of this act and any rules and regulations which may be adopted and promulgated pursuant to sections 1 to 6 of this act is not civilly or criminally liable for such receipt or release.

Sec. 12. Section 71-529, Reissue Revised Statutes of Nebraska, is amended to read:

71-529. The Nebraska Department of Health and Human Services may participate in the national efforts described in sections 71-527 and 71-528 and may develop a statewide immunization action plan which is comprehensive in scope and reflects contributions from a broad base of providers and consumers. In order to implement the statewide immunization action plan, the department may:

(1) Actively seek the participation and commitment of the public, health care professionals and facilities, the educational community, and community organizations in a comprehensive program to ensure that the state's children are appropriately immunized;

(2) Apply for and receive public and private awards to purchase vaccines and to administer a statewide comprehensive program;

(3) Provide immunization information and education to the public, parents, health care providers, and educators to establish and maintain a high level of awareness and demand for immunization by parents;

(4) Assist parents, health care providers, and communities in developing systems, including demonstration and pilot projects, which emphasize well-child care and the use of private practitioners and which improve the availability of immunization and improve management of immunization delivery so as to ensure the adequacy of the vaccine delivery system;

(5) Evaluate the effectiveness of these statewide

efforts, conduct ongoing measurement of children's immunization status, identify children at special risk for deficiencies in immunization, and report on the activities of the statewide immunization program annually to the Legislature and the citizens of Nebraska;

(6) Recognize persons who volunteer their efforts towards achieving the goal of providing immunization of the children of Nebraska and in meeting the Healthy People 2000 objective of series-complete immunization coverage for ninety percent or more of United States children by their second birthday;

(7) Establish a statewide program to immunize Nebraska children from birth up to six years of age against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B, and haemophilus influenzae type B. The program shall serve children who are not otherwise eligible for childhood immunization coverage with medicaid or other federal funds or are not covered by private third-party payment; and

(8) Contract to provide vaccine under the statewide program authorized under subdivision (7) of this section without cost to health care providers subject to the following conditions:

(a) In order to receive vaccine without cost, health care providers shall not charge for the cost of the vaccine. Health care providers may charge a fee for the administration of the vaccine but may not deny service because of the parent's or guardian's inability to pay such fee. Fees for administration of the vaccine shall be negotiated between the department and the health care provider, shall be uniform among participating providers, and shall be no more than the cost ceiling for the region in which Nebraska is included as set by the Secretary of the United States Department of Health and Human Services for the Vaccines for Children Program authorized by the Omnibus Budget Reconciliation Act of 1993;

(b) Health care providers shall administer vaccines according to the schedule recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention or by the American Academy of Pediatrics unless in the provider's medical judgment, subject to accepted medical practice, such compliance is medically inappropriate; and

(c) Health care providers shall maintain records on immunizations as prescribed by this section for inspection and audit by the Nebraska Department of Health and Human Services or the Auditor of Public Accounts, including responses by parents or guardians to simple screening questions related to payment coverage by public or private third-party payors, identification of the administration fee as separate from any other cost charged for other services provided at the same time the vaccination service is provided, and other information as determined by the department to be necessary to comply with subdivision (5) of this section. Such immunization records may also be used for information exchange as

provided in sections 1 to 6 of this act.

Sec. 13. Sections 7 to 11 and 15 of this act become operative on September 1, 1998. The other sections of this act become operative on their effective date.

Sec. 14. Original section 71-529, Reissue Revised Statutes of Nebraska, is repealed.".

2. Renumber the remaining sections accordingly.

The Brown amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

Mr. Tyson and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE RESOLUTION 45CA.** Mr. Maurstad withdrew his amendment, AM3314, found on page 825.

Messrs. Brashear and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

## MR. WESELY PRESIDING

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

Messrs. Chambers and Wickersham renewed their pending amendment, AM3687, found on page 1021.

Messrs. Jensen and 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 13 ayes, 0 nays, and 36 not voting.

The Chambers-Wickersham amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. Brown offered the following amendment:
AM3863

(Amendments to E & R amendments, AM7213)

1. On page 4, line 14, after "governments" insert ", including the creation of home rule charter counties through merger or consolidation".

2. On page 13, line 22, after "governments" insert ", including home rule charter counties".

Messrs. Cudaback, Dierks, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown withdrew her amendment.

Mrs. Brown offered the following amendment:
AM3421

1. On page 4, line 11, after "18" insert ", and to add a new section 6 to Article IX".

2. On page 7, after line 5 insert:

"IX-6 '(1) The territories and governments of any city or village and of the county in which the city or village is located may be unified into one political subdivision under a charter form of government known as a home rule charter county. Creation of a home rule charter county may be proposed by: (a) Petition filed with the county board signed by registered voters of the county in number not less than five percent of the voters voting in the county at the most recent gubernatorial election; or (b) resolution of both the county board and the governing body of any city or village in the county. At the next primary or general election after the filing and verification of the petition or after the adoption of a resolution by both the county and the city or village, members of a charter convention shall be elected consisting of four persons from each commissioner or supervisor district within the county who have been registered voters of the county for at least five years at the time of the election. The meetings of the charter convention shall be subject to open meetings laws enacted by the Legislature.

(2) The convention shall frame a charter for the home rule charter county. The charter convention shall hold at least one meeting at which the public may comment on the proposed charter. Within twelve months after election of the charter convention, the proposed charter shall be delivered to the county clerk who shall publish the proposed charter in at least one paper of general circulation within the county once each week for three consecutive weeks. Not less than thirty days after the last publication, the proposed charter shall be submitted to the registered voters of the county, inclusive of the cities and villages, at a primary or general election or a special election called for that purpose. The charter shall specify the cities or villages which will be unified into the home rule charter county. Any alternative article or section of the proposed charter may be voted on separately without prejudice to others.

(3) If the proposed charter is rejected, the home rule charter county shall not be formed until a new charter convention is called and elected as provided in this section.

(4) If a majority of those voting on the issue vote in favor of the charter, at the end of sixty days after the election the charter of the home rule charter county shall take effect. The

new governing body for the home rule charter government shall then convene and the governing bodies of the county and the city or village shall be dissolved. Duplicate copies of the charter shall be certified by the county clerk and authenticated by the corporate seal of the county, and one copy shall be filed with the Secretary of State and another filed in the archives of the county. The home rule charter county shall have all functions, obligations, rights, powers, and privileges exercised by, held by, or granted to the county, to any city or village unifying into the home rule charter county, or to the officials of the county, city, or village prior to dissolution. 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. To the extent necessary to prevent impairment of any rights, the general obligation bond indebtedness of the city, village, or county at the time of dissolution remains the obligation solely of the city, village, or county as it existed immediately prior to dissolution.

(5) If creation or operation of the home rule charter county is inconsistent with other provisions of this Constitution or the laws of the State of Nebraska, the provisions of this section and the charter adopted under this section shall prevail. Nothing in this section shall authorize creation of a home rule charter county other than by unification of one or more cities or villages into the county in which they are located.'"; in line 11 strike "The" and insert "In addition to the powers granted by Article IX, section 6, of this Constitution, the"; and in line 12 strike "No" and insert "Except as provided in Article IX, section 6, of this Constitution, no".

3. On page 16, line 8, before "and" insert ", to authorize creation of home rule charter counties,".

Messrs. Lynch, Schrock, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 1108:
AM3760

1. Insert the following new sections:

"Sec. 30. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program No. 421 - Developmental Disability System

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | -0- | 85,021 |
| FEDERAL FUND est. | -0- | 127,531 |
| PROGRAM TOTAL | -0- | 212,552 |

The appropriation in this section shall be used to

provide six service coordinators.

Sec. 35. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT

Program No. 424 - Developmental Disability Aid

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | -0- | 1,353,960 |
| FEDERAL FUND est. | -0- | 1,300,863 |
| PROGRAM TOTAL | -0- | 2,654,823 |

The appropriation in this section shall be used to provide Supported Residential Services for those individuals with developmental disabilities on the waiting list as of October 1997.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Wesely filed the following amendment to LB 1108:
AM3759

1. Insert the following new sections:

"Sec. 30. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program No. 421 - Developmental Disability System

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | -0- | 43,121 |
| FEDERAL FUND est. | -0- | 64,682 |
| PROGRAM TOTAL | -0- | 107,803 |

The appropriation in this section shall be used to provide four service coordinators.

Sec. 35. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT

Program No. 424 - Developmental Disability Aid

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | -0- | 1,050,412 |
| FEDERAL FUND est. | -0- | 969,375 |
| PROGRAM TOTAL | -0- | 2,019,787 |

The appropriation in this section shall be used to provide services for those individuals with developmental disabilities on the waiting list as of October 1997 who have caregivers over the age of 60 and are in need of Residential Services, who are receiving no services and are in need of Day Care, and who are living with families and are in need of Respite Services.".

2. Renumber the remaining sections and correct internal references accordingly.

## VISITORS

Visitors to the Chamber were 14 nursing students from Union College, Lincoln; Senator Janssen's grandson, Alex, and 23 fourth grade students and teacher from Hooper Elementary School; 30 fifth grade students and teacher

from Clarkson Elementary School, Fremont; and Max Waldo from DeWitt.

## RECESS

At 12:04 p.m., on a motion by Mr. Schmitt, 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, Beutler, Bromm, Coordsen, Dierks, Elmer, Engel, Kristensen, Landis, Matzke, Maurstad, Dw. Pedersen, Preister, Schmitt, Tyson, Will, Mmes. C. Peterson, and Thompson who were excused until they arrive.

## SELECT FILE

**LEGISLATIVE RESOLUTION 45CA.** The Brown pending amendment, AM3421, found on page 1125, was renewed.

Messrs. Cudaback, Hartnett, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Brashear asked unanimous consent to be excused. No objections. So ordered.

Mrs. Brown withdrew her amendment.

Mrs. Brown reoffered her amendment, AM3863, found on page 1124.

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 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 33:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Hudkins | Kristensen | Pederson, D. |
| Bohlke | Dierks | Janssen | Landis | Peterson, C. |
| Bruning | Engel | Jensen | Matzke | Raikes |
| Coordsen | Hartnett | Jones | Maurstad | Schellpeper |
| Crosby | Hillman | Kiel | Pedersen, Dw. | Schimek |

| | | | | |
|---|---|---|---|---|
| Schrock | Thompson | Wesely | Willhoft | Witek |
| Suttle | Wehrbein | Wickersham | | |

Voting in the negative, 4:

| | | | |
|---|---|---|---|
| Chambers | Lynch | Robak | Tyson |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Brown | Preister | Robinson | Schmitt | Vrtiska |
| Hilgert | | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Bromm | Elmer | Stuhr | Will |
| Brashear | | | | |

The motion to cease debate prevailed with 33 ayes, 4 nays, 6 present and not voting, and 6 excused and not voting.

Mrs. Brown requested a record vote on her amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Hillman | Kiel | Robinson | Thompson |
| Brown | Jensen | Maurstad | Suttle | Witek |

Voting in the negative, 28:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Janssen | Pederson, D. | Schmitt |
| Bohlke | Dierks | Jones | Peterson, C. | Tyson |
| Bruning | Engel | Kristensen | Raikes | Wehrbein |
| Chambers | Hartnett | Landis | Robak | Wesely |
| Coordsen | Hilgert | Lynch | Schellpeper | Wickersham |
| Crosby | Hudkins | Pedersen, Dw. | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Matzke | Schimek | Schrock | Vrtiska | Willhoft |
| Preister | | | | |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brashear | Bromm | Elmer | Stuhr | Will |

The Brown amendment lost with 10 ayes, 28 nays, 6 present and not voting, and 5 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. Wickersham requested a record vote on the advancement of the resolution.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Landis | Schellpeper | Tyson |
| Bohlke | Engel | Pedersen, Dw. | Schimek | Wesely |
| Bromm | Hartnett | Pederson, D. | Schrock | Wickersham |
| Brown | Hilgert | Peterson, C. | Stuhr | Willhoft |
| Bruning | Hillman | Raikes | Thompson | Witek |
| Coordsen | Kristensen | Robinson | | |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Chambers | Dierks | Janssen | Lynch | Schmitt |
| Crosby | Hudkins | Jones | Robak | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | Jensen | Matzke | Suttle | Wehrbein |
| Cudaback | Kiel | Preister | Vrtiska | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Brashear | Maurstad | Will |

Advanced to E & R for engrossment with 28 ayes, 9 nays, 9 present and not voting, and 3 excused and not voting.

## STANDING COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 50.** Placed on General File as amended.
Standing Committee amendment to LB 50:
AM3819

1. On page 2, line 13, strike "that would allow admission"; and in line 15 after "jurisdiction" insert "that would allow admission".

(Signed) Ardyce L. Bohlke, Chairperson

### Health and Human Services

**LEGISLATIVE BILL 1095.** Placed on General File as amended.
Standing Committee amendment to LB 1095:

AM3879

1. Insert the following new section:

"Sec. 2. Section 20-319, Reissue Revised Statutes of Nebraska, is amended to read:

20-319. (1) Except as exempted by section 20-322, it shall be unlawful to:

(a) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

(i) The buyer or renter;

(ii) Any person associated with the buyer or renter; or

(iii) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available; or

(b) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:

(i) Such person;

(ii) Any person associated with such person; or

(iii) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.

(2) For purposes of this section, discrimination shall include:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use and enjoy a dwelling; and

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such a manner that:

(i) The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;

(ii) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) All premises within the dwellings contain the following features of adaptive design:

(A) An accessible route into and through the dwelling;

(B) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(C) Reinforcements in bathroom walls to allow later installation of grab bars; and

(D) Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

(3) Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (2)(c)(iii) of this section.

(4)(a) If a political subdivision has incorporated into its laws the design and construction requirements set forth in subdivision (2)(c) of this section, compliance with such laws shall be deemed to satisfy the requirements.

(b) A political subdivision may review and approve ~~newly~~ new constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements are met.

(c) The commission shall encourage but may not require political subdivisions to include in their existing procedures for the review and approval of ~~newly~~ new constructed covered multifamily dwellings determinations as to whether the design and construction of the dwellings are consistent with the design and construction requirements and shall provide technical assistance to political subdivisions and other persons to implement the requirements.

(d) Nothing in this section shall be construed to require the commission to review or approve the plans, designs, or construction of all covered multifamily dwellings to determine whether the design and construction of the dwellings are consistent with the design and construction requirements.

(5)(a) Nothing in subsection (4) of this section shall be construed to affect the authority and responsibility of the commission or a local agency certified pursuant to section 20-332 to receive and process complaints or otherwise engage in enforcement activities under the Nebraska Fair Housing Act.

(b) Determinations by the commission or a political subdivision under subdivision (4)(a) or (b) of this section shall not be conclusive in enforcement proceedings under the act.

(6) For purposes of this section, covered multifamily dwellings shall mean:

(a) Buildings consisting of four or more units if such buildings have one or more elevators; and

(b) Ground floor units in other buildings consisting of four or more units.

(7) Nothing in this section shall be construed to invalidate or limit any law of a political subdivision or other jurisdiction in which this section is effective that requires

dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this section.

(8) Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.".

2. On page 4, line 26; and page 6, lines 12 and 13, strike "as amended" and insert "as adopted by the State of Nebraska".

3. On page 4, line 26; page 5, line 7; and page 6, line 13, strike "newly" and insert "new".

4. On page 5, line 6, after "occupancy" insert "in any municipality"; in line 7 after "public" insert "in any municipality"; in line 8 after "20-319" insert "in a city of the metropolitan, primary, or first class"; in line 12 after the period insert "Enforcement responsibility includes an appeal process conducted by the enforcing authority for the appeal of any enforcement action or proposed enforcement action."; and in line 25 strike "twenty", show as stricken, and insert "eighty".

5. On page 7, line 13, after "20-139" insert ", 20-319,".

6. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

## AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 1120A:
AM3837

1. On page 2, line 4, after "to" insert "the State Treasurer, for Program 117, to".

Mrs. Crosby filed the following amendment to LB 1070:
AM3853

(Amendments to E & R amendments, AM7221)

1. On page 11, line 3, after "(e)" insert "pregnancy testing, (f)"; in line 5 strike "pregnancy,"; in line 6 strike "(f)" and insert "(g)"; in line 8 strike "(g)" and insert "(h)"; and in line 9 strike "(h)" and insert "(i)".

Mrs. Crosby filed the following amendment to LB 1162:
AM3712

1. In the Landis amendment, AM3603:

a. On page 4, line 23, before "policy" insert "group";

and

b. On page 5, line 2, strike "and".

Mrs. Hillman filed the following amendment to LB 924A:
AM3843

1. On page 4, line 20, strike "Community Technology Fund" and insert "Department of Administrative Services, for Program 101"; and in line 28 strike "Government Technology Collaboration Fund" and insert "Department of Administrative Services, for Program 101".

Mrs. Hillman filed the following amendment to LB 924:
AM3844

(Amendments to E & R amendments, AM7232)

1. On page 2, line 9, after the period insert "It is further the intent of the Legislature that the provisions of sections 1 to 17 of this act serve to coordinate the state's investments in information technology in an efficient and expeditious manner. The provisions are not intended to impede the rapid deployment of appropriate technology or establish cumbersome regulations or bureaucracy.".

## SELECT FILE

**LEGISLATIVE BILL 1228.** E & R amendment, AM7214, printed separately and referred to on page 969, was adopted.

Mrs. Witek renewed her pending amendment, AM3508, found on page 988.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Messrs. Wehrbein, Jones, and Landis 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 22 ayes, 0 nays, and 27 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hilgert | Schellpeper | Vrtiska |
| Beutler | Dierks | Jensen | Schmitt | Wesely |
| Bruning | Engel | Lynch | Tyson | Witek |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Bohlke | Cudaback | Matzke | Stuhr | Wickersham |
| Bromm | Hudkins | Pederson, D. | Suttle | Willhoft |
| Coordsen | Kristensen | Raikes | Thompson | |

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Brown | Hartnett | Kiel | Robak | Schimek |
| Crosby | Hillman | Peterson, C. | Robinson | Schrock |
| Elmer | Janssen | Preister | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Brashear | Landis | Pedersen, Dw. | Wehrbein | Will |
| Jones | Maurstad | | | |

The Witek amendment lost with 15 ayes, 14 nays, 13 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

## RESOLUTION

**LEGISLATIVE RESOLUTION 341.** Introduced by Vrtiska, 1.

WHEREAS, the Johnson-Brock Eagles boys' basketball team is the Class D-1 Boys' State Basketball Tournament champion; and

WHEREAS, the 76-49 win over a talented Bancroft-Rosalie team in the final game of the tournament capped the Johnson-Brock Eagles' Class D-1 season with the championship; and

WHEREAS, head coach Dan Vahle has guided the Eagles by bringing out their talents while instilling the characteristics of sportsmanship, determination, and diligence; and

WHEREAS, the members of the Johnson-Brock Eagles boys' basketball team are positive role models for young athletes in the community and throughout the region because of the support of their coaches, teachers, administrators, and parents.

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

1. That the Legislature recognizes and congratulates the Johnson-Brock Eagles boys' basketball team and their coaches, parents, and supporters.

2. That a copy of this resolution be sent to the Johnson-Brock Eagles boys' basketball team head coach, Dan Vahle.

Laid over.

## AMENDMENTS - Print in Journal

Mr. Maurstad filed the following amendment to LB 1073:
AM3720

(Amendments to E & R amendments, AM7219)

1. On page 69, line 20, after the period insert "If the

director is proposing elimination or modification of an existing schedule of copayments and deductibles, a report on the proposed changes shall be provided to the Governor and the Legislature by December 1. The proposed modification or elimination of the schedule of copayments and deductibles shall not take place prior to the July 1 following this report.".

Messrs. Lynch and Hilgert filed the following amendment to LB 1010:
AM3532

1. On page 15, line 1, after "own" insert ". Property maintained by an employer shall be considered the premises of such employer for purposes of determining whether the injury arose out of employment".

Messrs. Janssen and Wickersham filed the following amendment to LB 1191:
(Amendment, AM3832, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mrs. Crosby filed the following amendment to LB 1191:
AM3754

1. Insert the following new sections:

"Sec. 71. Section 84-1308, Revised Statutes Supplement, 1996, is amended to read:

84-1308. (1) Each employee who is a member of the retirement system shall pay or have paid on his or her behalf a sum equal to ~~three and six-tenths~~ four and thirty-three hundredths percent of his or her monthly compensation until such time as he or she has paid during any calendar year a total of eight hundred sixty-four dollars, after which time he or she shall pay a sum equal to four and eight-tenths percent of his or her monthly compensation for the remainder of such calendar year. Such amounts shall be deducted monthly pursuant to subsection (2) of this section by the Director of Administrative Services. All money received shall be set aside by the State Treasurer and credited to the State Employees Retirement Fund.

(2) The employer shall pick up the employee contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the Internal Revenue Code, except that the employer shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service or the federal courts rule that, pursuant to section 414(h) of the Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employer shall pick up these

contributions by a deduction either through a reduction in the cash compensation of the employee or a combination of a reduction in compensation and offset against a future compensation increase. Employee contributions picked up shall be treated for all purposes of the State Employees Retirement Act in the same manner and to the extent as employee contributions made prior to the date picked up.

Sec. 81. Sections 71 and 83 of this act become operative on August 1, 1998. The other sections of this act become operative on their effective date.

Sec. 83. Original section 84-1308, Revised Statutes Supplement, 1996, is repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

## SELECT FILE

**LEGISLATIVE BILL 1228.** Mrs. Witek renewed her pending amendment, AM3509, found on page 989.

Messrs. Lynch, Cudaback, Hartnett, Schrock, and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Hudkins | Landis | Tyson |
| Bromm | Elmer | Jones | Peterson, C. | Vrtiska |
| Bruning | Engel | Kristensen | Schellpeper | Witek |
| Crosby | Hilgert | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Beutler | Coordsen | Matzke | Stuhr | Wesely |
| Bohlke | Hillman | Pederson, D. | Suttle | Wickersham |
| Brown | Janssen | Raikes | Thompson | Willhoft |
| Chambers | Kiel | Schimek | Wehrbein | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Jensen | Preister | Robinson | Schmitt |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Brashear | Hartnett | Maurstad | Robak | Will |
| Cudaback | Lynch | Pedersen, Dw. | Schrock | |

The Witek amendment lost with 17 ayes, 19 nays, 4 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

## AMENDMENTS - Print in Journal

Mr. Will filed the following amendment to LB 1073:
AM3785

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 4. Section 20-139, Reissue Revised Statutes of Nebraska, is amended to read:

20-139. The Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143 shall be administered by the Equal Opportunity Commission, except that the State Fire Marshal shall administer the act and sections as they relate to accessibility standards and specifications set forth in sections 81-5,147 to 81-5,149. The county attorneys are granted the authority to enforce such act and sections and shall possess the same powers and duties with respect thereto as the commission. If a complaint is filed with the county attorney, the commission shall be notified. Powers granted to and duties imposed upon the commission pursuant to such act and sections shall be in addition to the provisions of the Nebraska Fair Employment Practice Act and shall not be construed to amend or restrict those provisions. In carrying out the Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power to:

(1) Seek to eliminate and prevent discrimination in places of public accommodation because of race, color, sex, religion, national origin, familial status as defined in section 20-311, handicap as defined in section 20-313, or ancestry;

(2) Effectuate the purposes of sections 20-132 to 20-143 by conference, conciliation, and persuasion so that persons may be guaranteed their civil rights and goodwill may be fostered;

(3) Formulate policies to effectuate the purposes of sections 20-132 to 20-143 and make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes;

(4) Adopt and promulgate rules and regulations to carry out the powers granted by the Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143, subject to the provisions of the Administrative Procedure Act. The commission shall, not later than one hundred eighty days after September 6, 1991, issue draft rules and regulations to implement subsection (3) of section 20-336, which regulations may incorporate regulations of

the Department of Housing and Urban Development as applicable;

(5) Designate one or more members of the commission or a member of the commission staff to conduct investigations of any complaint alleging discrimination because of race, color, sex, religion, national origin, familial status, handicap, or ancestry, attempt to resolve such complaint by conference, conciliation, and persuasion, and conduct such conciliation meetings and conferences as are deemed necessary to resolve a particular complaint, which meetings shall be held in the county in which the complaint arose;

(6) Determine that probable cause exists for crediting the allegations of a complaint;

(7) Determine that a complaint cannot be resolved by conference, conciliation, or persuasion, such determination to be made only at a meeting where a quorum is present;

(8) Dismiss a complaint when it is determined there is not probable cause to credit the allegations;

(9) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require for examination any books or papers relating to any matter under investigation or in question before the commission; and

(10) Issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination because of race, color, sex, religion, national origin, familial status, handicap, or ancestry.

Sec. 5. Section 20-319, Reissue Revised Statutes of Nebraska, is amended to read:

20-319. (1) Except as exempted by section 20-322, it shall be unlawful to:

(a) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

(i) The buyer or renter;

(ii) Any person associated with the buyer or renter; or

(iii) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available; or

(b) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:

(i) Such person;

(ii) Any person associated with such person; or

(iii) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.

(2) For purposes of this section, discrimination shall include:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may

be necessary to afford the person full enjoyment of the premises, except that in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use and enjoy a dwelling; and

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such a manner that:

(i) The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;

(ii) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) All premises within the dwellings contain the following features of adaptive design:

(A) An accessible route into and through the dwelling;

(B) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(C) Reinforcements in bathroom walls to allow later installation of grab bars; and

(D) Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

(3) Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (2)(c)(iii) of this section.

(4)(a) If a political subdivision has incorporated into its laws the design and construction requirements set forth in subdivision (2)(c) of this section, compliance with such laws shall be deemed to satisfy the requirements.

(b) A political subdivision may review and approve ~~newly~~ new constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements are met.

(c) The commission shall encourage but may not require political subdivisions to include in their existing procedures for the review and approval of ~~newly~~ new constructed covered multifamily dwellings determinations as to whether the design and construction of the dwellings are consistent with the design and construction requirements and shall provide technical assistance to political subdivisions and other persons to implement the

requirements.

(d) Nothing in this section shall be construed to require the commission to review or approve the plans, designs, or construction of all covered multifamily dwellings to determine whether the design and construction of the dwellings are consistent with the design and construction requirements.

(5)(a) Nothing in subsection (4) of this section shall be construed to affect the authority and responsibility of the commission or a local agency certified pursuant to section 20-332 to receive and process complaints or otherwise engage in enforcement activities under the Nebraska Fair Housing Act.

(b) Determinations by the commission or a political subdivision under subdivision (4)(a) or (b) of this section shall not be conclusive in enforcement proceedings under the act.

(6) For purposes of this section, covered multifamily dwellings shall mean:

(a) Buildings consisting of four or more units if such buildings have one or more elevators; and

(b) Ground floor units in other buildings consisting of four or more units.

(7) Nothing in this section shall be construed to invalidate or limit any law of a political subdivision or other jurisdiction in which this section is effective that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this section.

(8) Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 152. Section 81-5,147, Reissue Revised Statutes of Nebraska, is amended to read:

81-5,147. The State Fire Marshal, with the advice of the Accessibility Advisory Committee, shall adopt and promulgate:

(1) Standards, ~~standards,~~ specifications, and exclusions which are consistent with the most current uniform guidelines and standards set by the federal Americans with Disabilities Act of 1990, as amended, for ~~(1)~~ (a) buildings and facilities which are newly constructed for first occupancy and ~~(2)~~ (b) alterations of existing buildings and facilities used by the public. For purposes of this section, alterations of an existing building or facility used by the public shall include remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangements in the plan or configuration of the height of walls or partitions. Normal maintenance, reroofing, painting, wallpapering, asbestos removal, or changes to mechanical and electrical systems shall not be considered alterations; and

(2) Standards and specifications which are consistent with the most current uniform guidelines and standards set by the federal Fair Housing Act of 1968, as adopted by the State of Nebraska, for new constructed covered multifamily dwellings as defined in section 20-319.

Sec. 153. Section 81-5,148, Reissue Revised Statutes of Nebraska, is amended to read:

81-5,148. The responsibility for enforcement of the standards and specifications adopted pursuant to section 81-5,147 for (1) buildings and facilities which are newly constructed for first occupancy, ~~and~~ (2) alterations of existing buildings and facilities used by the public, and (3) new constructed covered multifamily dwellings as defined in section 20-319 shall lie with the State Fire Marshal or the appropriate officials of the governing bodies of the state government and its political subdivisions responsible for the review and approval of the building plans. Enforcement responsibility includes an appeal process conducted by the enforcing authority for the appeal of any enforcement action or proposed enforcement action. When plans are being reviewed for both building code and fire code regulations, the officials responsible for building code review shall be responsible for enforcement of such section. When plans are being reviewed solely for fire code regulations, the State Fire Marshal or his or her designee shall be responsible for enforcement of such section. No official of any governing body of the state government or its political subdivisions responsible for such enforcement shall approve or authorize an occupancy permit unless such building, facility, or dwelling ~~or facility~~ complies with the standards and specifications prescribed by such section. Any unauthorized departure from the standards and specifications established by the State Fire Marshal pursuant to such section may be corrected by full compliance with such standards and specifications within one hundred ~~twenty~~ eighty days after discovery of such departure. Failure to correct an unauthorized departure from such standards and specifications shall result in denial or revocation of the occupancy permit for the building, facility, or dwelling. ~~or facility.~~

Sec. 154. Section 81-5,149, Reissue Revised Statutes of Nebraska, is amended to read:

81-5,149. (1) For purposes of providing, in an advisory capacity only, technical assistance to the State Fire Marshal (a) to aid in establishing standards and specifications in accordance with the Accessibility Guidelines of the federal Americans with Disabilities Act of 1990, as amended, for (i) buildings and facilities which are newly constructed for first occupancy and (ii) alterations of existing buildings and facilities used by the public, ~~and~~ (b) to aid in establishing standards and specifications in accordance with the federal Fair Housing Act of 1968, as adopted by the State of Nebraska, for new constructed covered multifamily

dwellings as defined in section 20-319, and (c) on individual cases of accessibility problems arising under the standards and specifications established pursuant to section 81-5,147, and any other advice the State Fire Marshal deems necessary to carry out his or her duties pursuant to such act or section, there is hereby established the Accessibility Advisory Committee composed of ten members.

(2) The committee shall consist of the following members who shall be skilled and knowledgeable in the area of accessibility standards and functional disability limitations: (a) An architect, (b) the state building administrator or his or her authorized representative, (c) a construction contractor, (d) four persons with a disability in one of each of the following categories: (i) Vision; (ii) hearing; (iii) cognitive; and (iv) mobility, (e) two persons responsible for local building code enforcement, one from a community of less than fifty thousand inhabitants and one from a community of fifty thousand inhabitants or more, and (f) one person experienced in real property management. The members shall be appointed by the Governor within thirty days after September 9, 1993. The members shall serve for terms of four years, except that of the members first appointed, the architect and two of the persons with a disability shall serve for terms of three years and the other two persons with a disability shall serve for terms of two years. As the term of each member expires, a successor shall be appointed from the same category as the person whose term expired for a term of four years.

Sec. 162. Original sections 20-139, 20-319, and 81-5,147 to 81-5,149, Reissue Revised Statutes of Nebraska, are repealed.".

2. Amend the operative date section so that the sections added by this amendment become operative on October 1, 1998.

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Hillman filed the following amendment to LB 1108:
AM3878

1. Strike original section 14 and all amendments thereto and insert the following new section:

"Sec. 18. AGENCY NO. 11 -- ATTORNEY GENERAL
Program No. 507 - Interpretation and Application of Law

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | 32,400 | 129,600 |
| REVOLVING FUND | 23,029 | 23,029 |
| PROGRAM TOTAL | 55,429 | 152,629 |
| SALARY LIMIT | 55,250 | 115,250 |

There is included in the appropriation to this program for FY1997-98 $32,400 General Funds and $20,000 Salary Limit for interstate stream disputes with Kansas. There is included in the appropriation to this program for FY1998-99 $129,600 General Funds and $80,000 Salary Limit for interstate stream disputes with

Kansas.".

2. On page 14, after line 5 insert:

| | | | |
|---|---|---|---|
| REVOLVING FUND | | -0- | 495,000 |
| PROGRAM TOTAL | | -0- | 495,000 |

3. On page 82, strike line 24, show as stricken, and insert "SALARY LIMIT 34,357 48,696".

4. In the Standing Committee amendments, AM3432:

a. On page 33, lines 13 and 14, strike "42,349,205" and insert "44,895,207"; in line 14 after the semicolon insert "and"; in line 15 strike "9,040,797" and insert "10,704,481"; and strike beginning with the semicolon in line 15 through "stricken" in line 19; and

b. On page 34, line 13, strike "531,143" and insert "535,997"; and in line 14 strike "569,816" and insert "574,670".

5. Renumber the remaining sections accordingly.

Mr. Wesely filed the following amendment to LB 1073:
AM3617

(Amendments to E & R amendments, AM7219)

1. Insert the following sections:

"Sec. 10. Section 43-247, Revised Statutes Supplement, 1997, is amended to read:

43-247. The juvenile court shall have exclusive original jurisdiction as to any juvenile defined in subdivision (1) of this section who is under the age of sixteen, as to any juvenile defined in subdivision (3) of this section, and as to the parties and proceedings provided in subdivisions (5), (6), and (8) of this section. As used in this section, all references to the juvenile's age shall be the age at the time the act which occasioned the juvenile court action occurred. The juvenile court shall have concurrent original jurisdiction with the district court as to any juvenile defined in subdivision (2) of this section. The juvenile court shall have concurrent original jurisdiction with the district court and county court as to any juvenile defined in subdivision (1) of this section who is age sixteen or seventeen and any juvenile defined in subdivision (4) of this section. Notwithstanding any disposition entered by the juvenile court under the Nebraska Juvenile Code, the juvenile court's jurisdiction over any individual adjudged to be within the provisions of this section shall continue until the individual reaches the age of majority or the court otherwise discharges the individual from its jurisdiction.

The juvenile court in each county as herein provided shall have jurisdiction of:

(1) Any juvenile who has committed an act other than a traffic offense which would constitute a misdemeanor or an infraction under the laws of this state, or violation of a city or village ordinance;

(2) Any juvenile who has committed an act which would

constitute a felony under the laws of this state;

(3) Any juvenile (a) who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, or custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian is unable to provide or neglects or refuses to provide special care made necessary by the mental condition of the juvenile; or who is in a situation or engages in an occupation dangerous to life or limb or injurious to the health or morals of such juvenile, (b) who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who deports himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; or who is habitually truant from home or school, or (c) who is a mentally ill ~~and~~ dangerous person as defined in section 83-1009;

(4) Any juvenile who has committed an act which would constitute a traffic offense as defined in section 43-245;

(5) The parent, guardian, or custodian who has custody of any juvenile described in this section;

(6) The proceedings for termination of parental rights as provided in the Nebraska Juvenile Code;

(7) The proceedings for termination of parental rights as provided in section 42-364; and

(8) Any juvenile who has been voluntarily relinquished, pursuant to section 43-106.01, to the Department of Health and Human Services or any child placement agency licensed by the Department of Health and Human Services.

Notwithstanding the provisions of the Nebraska Juvenile Code, the determination of jurisdiction over any Indian child as defined in section 43-1503 shall be subject to the Nebraska Indian Child Welfare Act.

Sec. 11. Section 43-248, Revised Statutes Supplement, 1997, is amended to read:

43-248. A juvenile may be taken into temporary custody by any peace officer without a warrant or order of the court when:

(1) A juvenile has violated a state law or municipal ordinance in the presence of the officer;

(2) A felony has been committed and the officer has reasonable grounds to believe such juvenile committed it;

(3) A juvenile is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the juvenile's protection;

(4) The officer believes the juvenile to be a mentally ill ~~and~~ dangerous person as defined in section 83-1009 and that the

harm described in that section is likely to occur before proceedings may be instituted before the juvenile court; or

(5) There are reasonable grounds to believe that the juvenile has run away from his or her parent, guardian, or custodian.

Sec. 12. Section 43-250, Revised Statutes Supplement, 1997, is amended to read:

43-250. An officer who takes a juvenile into temporary custody under section 43-248 shall immediately take reasonable measures to notify the juvenile's parent, guardian, custodian, or relative and shall proceed as follows:

(1) The officer shall release such juvenile;

(2) The officer shall prepare in triplicate a written notice requiring the juvenile to appear before the juvenile court or probation officer of the county in which such juvenile was taken into custody at a time and place specified in the notice or at the call of the court. The notice shall also contain a concise statement of the reasons such juvenile was taken into custody. The officer shall deliver one copy of the notice to such juvenile and require such juvenile or his or her parent, guardian, other custodian, or relative, or both, to sign a written promise that such signer will appear at the time and place designated in the notice. Upon the execution of the promise to appear, the officer shall immediately release such juvenile. The officer shall, as soon as practicable, file one copy of the notice with the county attorney and, when required by the juvenile court, also file a copy of the notice with the juvenile court, the officer appointed by the court for such purpose, or the probation officer;

(3) The officer shall take such juvenile without unnecessary delay before the juvenile court or probation officer of the county in which such juvenile was taken into custody and deliver the custody of such juvenile to the juvenile court or probation officer;

(4) When a juvenile is taken into temporary custody pursuant to subdivision (3) or (4) of section 43-248, the officer may deliver the custody of such juvenile to the Department of Health and Human Services which shall make a temporary placement of the juvenile in the least restrictive environment consistent with the best interests of the juvenile as determined by the department. The department shall supervise such placement and, if necessary, consent to any necessary emergency medical, psychological, or psychiatric treatment for such juvenile. The department shall have no other authority with regard to such temporary custody until or unless there is an order by the court placing the juvenile in the custody of the department. If the officer delivers temporary custody of the juvenile pursuant to this subdivision, the officer shall make a full written report to the county attorney within twenty-four hours of taking such juvenile into temporary custody.

If a court order of temporary custody is not issued within forty-eight hours of taking the juvenile into custody, the temporary custody by the department shall terminate and the child shall be returned to the custody of his or her parent, guardian, custodian, or relative; or

(5) If the officer takes the juvenile into custody pursuant to subdivision (4) of section 43-248, the officer may place the child at a mental health facility for evaluation and emergency treatment or may deliver the juvenile to the Department of Health and Human Services pursuant to subdivision (4) of this section. At the time of the admission or turning the child over to the department, the peace officer responsible for taking the juvenile into custody shall execute a written certificate as prescribed by the Department of Health and Human Services which will indicate that the officer believes the juvenile to be a mentally ill ~~and~~ dangerous person, a summary of the subject's behavior supporting such allegations, and that the harm described in section 83-1009 is likely to occur before proceedings before a juvenile court may be invoked to obtain custody of the juvenile. A copy of the certificate shall be forwarded to the county attorney. The peace officer shall notify the juvenile's parents, guardian, custodian, or relative of the juvenile's placement.

In determining the appropriate temporary placement of a juvenile under this section, the officer shall select the placement which is least restrictive of the juvenile's freedom so long as such placement is compatible with the best interests of the juvenile and the safety of the community.

Sec. 13. Section 43-251, Revised Statutes Supplement, 1997, is amended to read:

43-251. (1) When a juvenile is taken into custody pursuant to sections 43-248 and 43-250, the court or magistrate may take any action for preadjudication placement or detention prescribed in the Nebraska Juvenile Code and, if such juvenile is age thirteen years or under and if the court or magistrate shall place such juvenile in the care of the sheriff, police officer, probation officer, or other suitable person, such person shall keep the juvenile in a suitable place outside the enclosure of any jail or police station.

(2) When a juvenile under the age of sixteen years shall be detained in any institution to which adults are sentenced, it shall be unlawful to permit such juvenile to have verbal, visual, or physical contact with such adults at any time.

(3) Any juvenile taken into custody under the Nebraska Juvenile Code for allegedly being a mentally ill ~~and~~ dangerous person shall not be placed in a jail or detention facility designed for juveniles who are accused of criminal acts or for juveniles as described in subdivision (1), (2), or (4) of section 43-247 either as a temporary placement by a peace officer, as a temporary placement by a court, or as an adjudication placement by the court.

Sec. 14. Section 43-254.01, Revised Statutes Supplement, 1997, is amended to read:

43-254.01. (1) Any time a juvenile is temporarily placed at a mental health facility pursuant to subdivision (5) of section 43-250 or by a court as a juvenile who is alleged to be a mentally ill ~~and~~ dangerous person, a mental health professional as defined in section 83-1010 shall evaluate the mental condition of the juvenile as soon as reasonably possible but not later than thirty-six hours after the juvenile's admission, unless the juvenile was evaluated by a mental health professional immediately prior to the juvenile being placed in temporary custody and the temporary custody is based upon the conclusions of that evaluation. The mental health professional who performed the evaluation prior to the temporary custody or immediately after the temporary custody shall, without delay, convey the results of his or her evaluation to the county attorney.

(2) If it is the judgment of the mental health professional that the juvenile is not a mentally ill ~~and~~ dangerous person or that the harm described in section 83-1009 is not likely to occur before the matter may be heard by a juvenile court, the mental health professional shall immediately notify the county attorney of that conclusion and the county attorney shall either proceed to hearing before the court within twenty-four hours or order the immediate release of the juvenile from temporary custody. Such release shall not prevent the county attorney from proceeding on the petition if he or she so chooses.

(3) A juvenile taken into temporary protective custody under subdivision (5) of section 43-250 shall have the opportunity to proceed to adjudication hearing within seven days unless the matter is continued. Continuances shall be liberally granted at the request of the juvenile, his or her guardian ad litem, attorney, parents, or guardian. Continuances may be granted to permit the juvenile an opportunity to obtain voluntary treatment.

Sec. 19. Section 43-277.01, Revised Statutes Supplement, 1997, is amended to read:

43-277.01. All hearings concerning a juvenile court petition filed pursuant to and solely on the basis that the juvenile is alleged to be a mentally ill dangerous person as defined in subdivision (2) of section 83-1009 and incorporated within subdivision (3)(c) of section 43-247 shall be closed to the public except at the request of the juvenile or the juvenile's parent or guardian. Such hearings and also hearings concerning juvenile court petitions filed on the basis that the juvenile is alleged to be a mentally ill dangerous person as defined in subdivision (1) of section 83-1009 and incorporated within subdivision (3)(c) of section 43-247 shall be held in a courtroom or at any convenient and suitable place designated by the juvenile court judge. The proceeding may be conducted where the juvenile is currently residing if the juvenile is unable to travel.

Sec. 24. Section 43-2,108, Revised Statutes Supplement, 1997, is amended to read:

43-2,108. (1) The juvenile court judge shall keep a minute book in which he or she shall enter minutes of all proceedings of the court in each case, including appearances, findings, orders, decrees, and judgments, and any evidence which he or she feels it is necessary and proper to record. Juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, certificates or receipts of mailing, minutes of the court, findings, orders, decrees, judgments, and motions.

(2) Except as provided in subsection (3) of this section, the medical, psychological, psychiatric, and social welfare reports and the records of juvenile probation officers as they relate to individual proceedings in the juvenile court shall not be open to inspection, without order of the court. Such records shall be made available to a district court of this state or the District Court of the United States on the order of a judge thereof for the confidential use of such judge or his or her probation officer as to matters pending before such court but shall not be made available to parties or their counsel; and such district court records shall be made available to a county court or separate juvenile court upon request of the county judge or separate juvenile judge for the confidential use of such judge and his or her probation officer as to matters pending before such court, but shall not be made available by such judge to the parties or their counsel.

(3) As used in this subsection, confidential record information shall mean all docket records, other than the pleadings, orders, decrees, and judgments; case files and records; reports and records of probation officers; and information supplied to the court of jurisdiction in such cases by any individual or any public or private institution, agency, facility, or clinic, which is compiled by, produced by, and in the possession of any court. In all cases under subdivision (3)(a) of section 43-247, access to all confidential record information in such cases shall be granted only as follows: (a) The court of jurisdiction may, subject to applicable federal and state regulations, disseminate such confidential record information to any individual, or public or private agency, institution, facility, or clinic which is providing services directly to the juvenile and such juvenile's parents or guardian and his or her immediate family who are the subject of such record information; (b) the court of jurisdiction may disseminate such confidential record information, with the consent of persons who are subjects of such information, or by order of such court after showing of good cause, to any law enforcement agency upon such agency's specific request for such agency's exclusive use in the investigation of any protective service case or investigation of allegations under subdivision (3)(a) of section

43-247, regarding the juvenile or such juvenile's immediate family, who are the subject of such investigation; and (c) the court of jurisdiction may disseminate such confidential record information to any court, which has jurisdiction of the juvenile who is the subject of such information upon such court's request.

(4) Nothing in subsection (3) of this section shall be construed to restrict the dissemination of confidential record information between any individual or public or private agency, institute, facility, or clinic, except any such confidential record information disseminated by the court of jurisdiction pursuant to this section shall be for the exclusive and private use of those to whom it was released and shall not be disseminated further without order of such court.

(5)(a) Any records concerning a juvenile court petition filed pursuant to and solely based on an allegation that the juvenile is a mentally ill dangerous person as defined in subdivision (2) of section 83-1009 and incorporated within subdivision (3)(c) of section 43-247 shall remain confidential except as may be provided otherwise by law. Such records shall be accessible to (i) the juvenile except as provided in subdivision (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's parent or guardian, and (iv) persons authorized by an order of a judge or court.

(b) Upon application by the county attorney or by the director of the facility where the juvenile is placed and upon a showing of good cause therefor, a judge of the juvenile court having jurisdiction over the juvenile or of the county where the facility is located may order that the records shall not be made available to the juvenile if, in the judgment of the court, the availability of such records to the juvenile will adversely affect the juvenile's mental state and the treatment thereof.".

2. Correct the repealer so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 342.** Introduced by Robinson, 16.

WHEREAS, the West Point Central Catholic High School Bluejays won the 1998 Class C-2 boys' basketball tournament in Lincoln on March 14, 1998; and

WHEREAS, the Bluejays' team members are Jeremy Franzluebbers, Brock Ortmeier, Nathan Knobbe, Chris Wagner, Dustin Wiechman, Jarrod Jaspersen, Jeff Meister, Matt Ridder, Ben Brachle, Brian Hotovy, John Dinslage, and Jon Luebbert and the Bluejays' managers are Renee Emanuel, Kyle Gentrup, Bryan Mendlik, Scott Mendlik, and Matt Yosten; and

WHEREAS, Head Coach Duane Mendlik and Assistant Coach Don Matt, the players and team managers, and their families, supporters, and community should be recognized.

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

1. That the Legislature congratulates the West Point Central Catholic High School Bluejays on their 1998 Class C-2 boys' basketball championship.

2. That copies of this resolution be presented to each team member, manager, and coach and to John James, principal of West Point Central Catholic High School.

Laid over.

## SELECT FILE

**LEGISLATIVE BILL 1228.** Mrs. Bohlke offered the following amendment:
AM3847

(Amendments to Standing Committee amendments, AM7214)

1. On page 2, lines 23 and 24, strike "certified" through "Standards" and insert "who has received credentials from a national nonprofit organization the purpose of which is to establish high and rigorous standards in a broad range of educational areas for what accomplished teachers should know and be able to do and which issues credentials to teachers who demonstrate that they meet those standards".

The Bohlke amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

Mrs. Bohlke offered the following amendment:
AM3854

(Amendments to E & R amendments, AM7214)

1. On page 6, lines 7, 10, and 16, strike "testing" and insert "assessment"; in line 10 strike "test" and insert "assessment"; in line 11 strike "a" through "service" and insert "an assessment service for each selected grade"; in line 13 strike "test" and insert "assessment"; in line 15 strike "test" and "assessment" and after the period insert "Districts may substitute a different assessment if the score can be correlated with the state-selected assessment, the assessment includes all of the required subject areas, the assessment meets the purposes stated in subsection (2) of this section, and the district pays for the assessment scoring and correlation of scores.".

2. On page 7, lines 4 and 7, strike "testing" and insert

13 "assessment"; in line 5 strike "tested" and insert "assessed"; in
14 line 9 strike "tests" and insert "assessments"; and in lines 11,
15 15, and 19 strike "test" and insert "assessment".

Messrs. Schellpeper, Elmer, and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler requested a division of the question on the Bohlke amendment.

The Chair sustained the division of the question.

The first Bohlke amendment is as follows:
FA603

(Amendments to E & R amendments, AM7214)

6 and after the period insert "Districts may substitute
7 a different assessment if the score can be correlated with the
8 state-selected assessment, the assessment includes all of the
9 required subject areas, the assessment meets the purposes stated in
10 subsection (2) of this section, and the district pays for the
11 assessment scoring and correlation of scores.".

**MRS. CROSBY PRESIDING**

Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Bohlke requested a roll call vote on her amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hilgert | Kiel | Pederson, D. | Thompson |
| Bromm | Hudkins | Kristensen | Raikes | Wehrbein |
| Brown | Janssen | Landis | Robinson | Wickersham |
| Bruning | Jensen | Matzke | Stuhr | Willhoft |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Engel | Tyson | Wesely |
| Beutler | Crosby | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Dierks | Jones | Preister | Schimek | Suttle |
| Hillman | | | | |

Absent and not voting, 2:

| | |
|---|---|
| Chambers | Witek |

Excused and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Brashear | Hartnett | Pedersen, Dw. | Schellpeper | Vrtiska |
| Cudaback | Lynch | Peterson, C. | Schmitt | Will |
| Elmer | Maurstad | Robak | Schrock | |

The first Bohlke amendment lost with 20 ayes, 7 nays, 6 present and not voting, 2 absent and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

The second Bohlke amendment is as follows:
FA602

(Amendments to E & R amendments, AM7214)

1. On page 6, lines 7, 10, and 16, strike "testing" and insert "assessment"; in line 10 strike "test" and insert "assessment"; in line 11 strike "a" through "service" and insert "an assessment service for each selected grade"; in line 13 strike "test" and insert "assessment"; in line 15 strike "test" and "assessment"

2. On page 7, lines 4 and 7, strike "testing" and insert "assessment"; in line 5 strike "tested" and insert "assessed"; in line 9 strike "tests" and insert "assessments"; and in lines 11, 15, and 19 strike "test" and insert "assessment".

The second Bohlke amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

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

Mr. Bromm offered the following amendment:
AM3900

(Amendments to E & R amendments, AM7214)

1. On page 3, line 3, after "program" insert "has been"; and strike beginning with the last "and" in line 4 through "system" in line 5.

The Bromm amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

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

Mrs. Bohlke offered the following amendment:
AM3862

(Amendments to E & R amendments, AM7214)

1. On page 4, line 5, strike "If" and insert "Upon review by the Excellence in Education Council, if"; in line 10 after "before" insert "December 1, 1998, for the 1998-99 school fiscal year and on or before"; in line 11 after the first "year" insert "thereafter" and strike "1998-99" and insert "1999-00"; in line 22 after the first "for" insert "pilot projects or model programs for"; in line 23 after the period insert "Incentive payments may not be used to supplant federal, state, or local funds."; and in line 24 after the second "district" insert "prior to the application".

2. On page 8, line 4, strike "Department" and insert "Board".

3. On page 9, lines 23 and 24, strike "order of priority: First, up" and insert "manner: Up"; in line 25 strike "next," and insert "up to seventy percent"; and in lines 26 and 27 strike "any" through "allocations" and insert "up to twenty percent of the fund".

4. On page 14, line 3, after "council" insert "to administer the Education Innovation Fund, including the Quality Education Accountability Act".

5. On page 15, line 7, after "Fund" insert ", including the Quality Education Accountability Act".

The Bohlke amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Bromm offered the following amendment:
AM3918

(Amendments to Standing Committee amendments, AM7214)

1. On page 3, strike beginning with "and" in line 4 through "system" in line 5.

2. On page 7, line 20, strike "a" and insert "guidelines for"; in line 21 strike "program" and insert "programs in local systems in order"; strike beginning with "In" in line 22 through the period in line 25 and insert "Funding for mentor teacher programs shall be provided to local systems which provide each first-year teacher in the local system with a mentor. For purposes of this section, first-year teacher means a teacher who is teaching in a local system for the first time."; in line 25 strike "program" and insert "programs"; and in line 27 strike "develop" and insert "identify".

3. On page 9, line 25, strike "pursuant" through "Act" and insert "in local systems".

Mr. Bromm withdrew his amendment.

Mr. Bromm offered the following amendment:
FA604

(Amendments to Standing Committee amendments, AM7214)

1. On page 3, strike beginning with "and" in line 4 through "system" in line 5.

2. On page 7, line 20, strike "a" and insert "guidelines for"; in line 21 strike "program" and insert "programs in local systems in order"; strike beginning with "In" in line 22 through the period in line 25 and insert "Funding for mentor teacher programs shall be provided to local systems which provide each first-year teacher in the local system with a mentor.

; in line 25 strike "program" and insert "programs"; and in line 27 strike "develop" and insert "identify".

The Bromm amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Janssen requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 2 nays, 6 present and not voting, and 16 excused and not voting.

## AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 632:
AM3917

(Amendments to the Committee amendments, AM0922)

1. Insert the following new section:

"Section 1. Section 49-1405, Reissue Revised Statutes of Nebraska, is amended to read:

49-1405. Ballot question shall mean any question which is submitted or which is intended to be submitted to a popular vote at an election, including, but not limited to, a question submitted or intended to be submitted by way of initiative, referendum, recall, judicial retention, or bond issue or as a result of legislative action or action of a governmental body, whether or not it qualifies for the ballot.".

2. Renumber the remaining sections and correct repealer accordingly.

Messrs. Wesely and Beutler filed the following amendment to LB 1108:
AM3916

1. Insert the following new section:

"Sec. 58. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA
Program No. 781 - University - Administration

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | -0- | 500,000 |
| PROGRAM TOTAL | -0- | 500,000 |

There is included in the appropriation to this program $500,000 General Funds for FY1998-99 for the Nebraska Tree Recovery Program within the Nebraska Forest Service of the University of Nebraska Institute of Agriculture and Natural Resources Department of Forestry, Fisheries and Wildlife. The funds appropriated in this section may be utilized to plant, remove, dispose of, replace, or repair storm-damaged or weather-damaged trees. Three percent of the funds appropriated for this program shall be available for administrative costs. It is the intent of the Legislature that the unexpended General Fund balance existing on June 30, 1999, is hereby reappropriated.".

2. Renumber the remaining sections accordingly.

Mr. Tyson and Ms. Schimek filed the following amendment to LB 1108:
AM3887

1. Strike original section 82 and all amendments thereto and insert the following new sections:

"Sec. 29. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program No. 361 - Hastings Regional Center

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | 12,764,719 | 13,387,666 |
| CASH FUND | 1,738,556 | 997,635 |
| FEDERAL FUND est. | 1,930,116 | 1,877,490 |
| PROGRAM TOTAL | 16,433,391 | 16,262,791 |
| SALARY LIMIT | 11,173,074 | 10,255,991 |

It is the intent of the Legislature that the department shall not begin to transition services to the community and decrease the number of beds authorized for use as of January 1, 1997, until January 1, 1999.

Sec. 30. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program No. 362 - Norfolk Regional Center

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | 7,432,488 | 7,795,210 |
| CASH FUND | 1,997,141 | 1,146,018 |
| FEDERAL FUND est. | 2,472,601 | 2,405,182 |
| PROGRAM TOTAL | 11,902,230 | 11,346,410 |
| SALARY LIMIT | 8,293,328 | 8,401,011 |

It is the intent of the Legislature that the department shall not begin to transition services to the community and decrease the number of beds authorized for use as of January 1, 1997, until January 1, 1999.

Sec. 31. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program No. 363 - Lincoln Regional Center

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | 13,035,028 | 13,671,166 |
| CASH FUND | 2,725,183 | 1,563,790 |

| | | |
|---|---|---|
| FEDERAL FUND est. | 3,670,978 | 3,570,884 |
| PROGRAM TOTAL | 19,431,189 | 18,805,840 |
| SALARY LIMIT | 13,568,489 | 13,744,665 |

It is the intent of the Legislature that the department shall not begin to transition services to the community and decrease the number of beds authorized for use as of January 1, 1997, until January 1, 1999.

Sec. 115. Laws 1997, LB 389, section 93, is amended to read:

Sec. 93. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program No. 365 - Mental Health Operations

| | FY1997-98 | FY1998-99 |
|---|---|---|
| ~~GENERAL FUND~~ | ~~34,044,104~~ | ~~34,006,691~~ |
| ~~CASH FUND~~ | ~~4,501,680~~ | ~~4,448,243~~ |
| ~~FEDERAL FUND est.~~ | ~~8,584,250~~ | ~~8,337,853~~ |
| ~~PROGRAM TOTAL~~ | ~~47,130,034~~ | ~~46,792,787~~ |
| ~~SALARY LIMIT~~ | ~~32,192,545~~ | ~~31,692,125~~ |
| GENERAL FUND | 158,361 | 177,047 |
| FEDERAL FUND est. | 512,639 | 488,526 |
| PROGRAM TOTAL | 671,000 | 665,573 |
| SALARY LIMIT | 61,510 | 62,309 |

~~It is the intent of the Legislature that the funds appropriated in this section shall only be used for such purpose. The department shall not decrease the number of beds currently authorized for use as of January 1, 1997, until the appropriate community services are in place to serve those individuals who may be released from the regional centers in Hastings, Norfolk, and Lincoln.~~

Sec. 154. The following section is outright repealed: Laws 1997, LB 387, section 71.".

2. Renumber the remaining sections accordingly.

Mr. Coordsen filed the following amendment to LB 924:
(Amendment on file in the Clerk's Office - Room 2018 - AM3919.)

Mr. Preister filed the following amendment to LB 989:
AM3866

(Amendments to AM3769)

1. On page 1, line 12, strike "job classifications" and insert "job actually performed".

Ms. Schimek filed the following amendment to LB 989:
AM3858

(Amendments to AM3769)

1. On page 1, line 17, strike "and"; and in line 23 after "comparison" insert "; and

(d) The municipality spends no more than ten thousand

dollars to prepare and try any case before the commission and obtain the judgment or order. The ten-thousand-dollar limitation includes, but is not limited to, attorney's fees, expert witness fees, staff time, or any other costs, however categorized".

Mr. Lynch filed the following amendment to LB 989:
AM3861

(Amendments to AM3769)

1. On page 1, line 17, strike "and"; and in line 23 after "comparison" insert "; and

(d) Before the municipality paid any fees and costs incurred in preparation and trial, the municipality submitted an application to the commission authorizing the payment and the municipality pays no greater sums than the commission specifically authorizes. The application submitted shall: (i) Identify with particularity the work done, including: If a conference is held, state who was present, what subjects were being discussed, and how long the conference lasted; if research was undertaken, state who did it, what subjects and issues were researched, and whether the results were incorporated into a brief, motion, or pleadings; if travel time is involved, segregate it and state who traveled and where and the purpose and mode of the travel; and if charges are made for preparation of pleadings, identify the pleading and who prepared it; (ii) identify the status, attorney, paralegal, and law student, of each person performing an item of work and each attorney's background; (iii) if any services were performed by a paralegal or law student, identify the salary or other wage rate at which the paralegal or law student was paid by the attorney or law firm; (iv) if the services were applicable to more than one case, identify their relative applicability to each case; (v) if expenses were incurred, identify the expense with particularity and set forth the following: (A) If a photocopying expense is charged, identify what items were being copied, why they were copied, what use was made of them, and how many pages of material were photocopied; (B) if depositions are being identified as expenses, list the name of the court reporter, the time of the deposition, the date of the deposition, the identity of the deponent, the purpose of taking the deposition, discovery or evidentiary, and what use was made of this deposition; (C) if long-distance telephone expenses are listed, identify the date, by whom, to whom, where the call was made, and the subject of the call; and (D) if travel expenses are being claimed, identify the mode of travel and the basis of the charge and the number of nights of lodging and meals involved in the travel".

Mr. Hilgert filed the following amendment to LB 989:
AM3875

(Amendments to AM3769)

1. On page 1, line 17, strike "and"; and in line 23 after "comparison" insert "; and

(d) With respect to a judgment or order that applies to any municipality, the judgment or order recognizes that any decrease in wages or benefits for municipal employees shall be expressed in a percentage of salary and benefits as well as in absolute dollars. Any percentage decrease ordered by the commission shall be applied by the municipality to the salaries and benefits paid to its mayor, city manager, personnel director, and person responsible for personnel decisions".

Ms. Schimek filed the following amendment to LB 989:
AM3860

(Amendments to AM3769)

1. On page 1, line 17, strike "and"; and in line 23 after "comparison" insert "; and

(d) Within thirty days after the commission enters the final order, the municipality files a notarized statement with the commission setting forth with specificity all sums it has spent and obligations it has incurred resulting directly or indirectly from the preparation for and trial of the litigation. The statement so filed shall set forth the name, address, and nature of services provided by each person, firm, or entity so employed by the municipality and the amount of money paid or the amount of obligations incurred".

Mr. Preister filed the following amendment to LB 989:
AM3865

(Amendments to AM3769)

1. On page 1, line 17, strike "and"; and in line 23 after "comparison" insert "; and

(d) With respect to a judgment or order that applies to any municipality, the judgment or order recognizes that any decrease in wages or benefits for municipal employees shall be expressed in a percentage of salary and benefits as well as in absolute dollars. Any percentage decrease ordered by the commission shall be applied by the municipality to the salaries and benefits paid to its mayor, city manager, personnel director, and person responsible for personnel decisions".

Mr. Lynch filed the following amendment to LB 989:
AM3859

(Amendments to AM3769)

1. On page 1, line 17, strike "and"; and in line 23 after "comparison" insert "; and

(d) The municipality reimbursed the labor organization which was the other party to the commission proceedings for ninety percent of the costs the labor organization incurred, whether in attorney's fees, expert witness fees, or costs taxed by the

commission, within ten days after a final order has been entered in the case".

Mr. Hilgert filed the following amendment to LB 989:
AM3874

(Amendments to AM3769)

1. On page 1, line 17, strike "and"; and in line 23 after "comparison" insert " .

As of the operative date of this act, all negotiated agreements or collective-bargaining agreements in effect between a municipality and any of its employees is deemed to be continuing and shall remain in full force and effect until replaced or amended by mutual agreement of the parties or until a final nonappealable order of the commission establishes terms and conditions of employment for such employees which alters the agreement.".

Mr. Hilgert filed the following amendment to LB 989:
AM3876

(Amendments to AM3769)

1. On page 1, line 17, strike "and"; and in line 23 after "comparison" insert "; and

(d) The commission did not include in any array of compared-to employers any private-sector local labor market employers unless the commission found that the preponderance of the evidence demonstrated a sufficient similarity of conditions of employment maintained for the same or similar workers exhibiting like or similar skills under the same or similar working conditions. The commission did not include in any array of compared-to employers any employer, public or private, unless the proponent of a particular arrayed employer presented by a preponderance of the evidence a sufficient showing of similarity of conditions of employment maintained for the same or similar work of workers exhibiting like or similar skills under the same or similar working conditions".

Messrs. Abboud and Jensen filed the following amendment to LB 1108:
AM3920

1. Insert the following new sections:

"Sec. 25. AGENCY NO. 20 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION AND LICENSURE

No money appropriated by the Legislature shall be used by the department to (1) build, lease, rent, or operate any building used by a child caring agency or (2) support the operation of a child caring agency facility if such building or facility is located in an area zoned for single-family residences.

Sec. 30. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES

No money appropriated by the Legislature shall be used by the department to (1) build, lease, rent, or operate any building

used by a child caring agency or (2) support the operation of a child caring agency facility if such building or facility is located in an area zoned for single-family residences.

Sec. 33. AGENCY NO. 26 – DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT

No money appropriated by the Legislature shall be used by the department to (1) build, lease, rent, or operate any building used by a child caring agency or (2) support the operation of a child caring agency facility if such building or facility is located in an area zoned for single-family residences.".

2. Renumber the remaining sections accordingly.

## VISITORS

Visitors to the Chamber were 20 kindergarten through fifth grade students and teachers from Dawson County, Lexington; and 40 sixth through twelfth grade students and teachers from Boys Town High School.

The Doctor of the Day was Richard Hanisch from St. Paul.

## ADJOURNMENT

At 6:19 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, March 19, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FORTY-SIXTH DAY – MARCH 19, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 19, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Pastor Curtis Holzworth, Free Evangelical Church, Grand Island, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Brashear, Bromm, Dierks, Landis, Matzke, Preister, Raikes, Schmitt, Will, Mmes. Bohlke, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

Page 1157, strike lines 35 and 36, and insert "(Amendment on file in the Clerk's Office - Room 2018 - AM3919.)".
The Journal for the forty-fifth day was approved as corrected.

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 939.

(Signed) David I. Maurstad

## REPORTS

The following reports were received by the Legislature:

**Education, Department of**
School Finance Review Committee Annual Report

**Patrol, Nebraska State**
Cash Fund Report

**Revenue, Department of**
Employment and Investment Growth Act, Employment Expansion and Investment Incentive Act, and Quality Jobs Act Annual Report

**Roads, Department of**
State Highway System Inventory Supplement for 1997 State Highway Plan and Needs Report

## COMMUNICATION

Received a copy of a Joint Resolution from the Legislature of the State of Maine memorializing the Congress of the United States to remove tobacco subsidies.

## ANNOUNCEMENT

The Chair announced today is Senator Bromm's birthday.

## SELECT FILE

**LEGISLATIVE BILL 1362.** E & R amendment, AM7229, found on page 1104, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1108.** E & R amendment, AM7227, found on page 1047, was adopted.

Mr. Hartnett renewed his pending amendment, AM3638, found on page 1001.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Hartnett moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Hartnett requested a roll call vote on his amendment.

Mr. Cudaback requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Janssen | Lynch | Schimek |
| Beutler | Dierks | Jensen | Pedersen, Dw. | Thompson |
| Bruning | Engel | Kiel | Preister | Vrtiska |
| Chambers | Hartnett | Kristensen | Robak | Wesely |
| Crosby | Hilgert | Landis | Robinson | Willhoft |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Bromm | Hillman | Maurstad | Stuhr | Wehrbein |
| Brown | Jones | Pederson, D. | Suttle | Witek |
| Coordsen | | | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Elmer | Matzke | Schellpeper | Schrock | Wickersham |
| Hudkins | Raikes | Schmitt | Tyson | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Bohlke | Brashear | Peterson, C. | Will |

The Hartnett amendment was adopted with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein reoffered his amendment, AM3568, found on page 988 and considered on page 1008.

Mr. Wehrbein withdrew his amendment.

Mr. Wesely renewed his pending amendment, AM3759, found on page 1127.

Messrs. Wickersham, Kristensen, Cudaback, Landis, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Wesely amendment was adopted with 36 ayes, 3 nays, 5 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Balters, Henry L. - Nebraska State Board of Health -- Health and Human Services

Hirschbrunner, Dennis C. - Nebraska State Board of Health -- Health and Human Services

Vaughan, Jerry - Nebraska State Board of Health -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## AMENDMENT - Print in Journal

Mrs. Thompson filed the following amendment to LB 1073:
AM3704

(Amendments to E & R amendments, AM7219)

1. Strike section 52 and insert the following new section:

"Sec. 52. Section 71-1,142, Revised Statutes Supplement, 1997, is amended to read:

71-1,142. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Practice of pharmacy shall mean (a) the interpretation and evaluation of prescription orders, (b) the compounding, dispensing, and labeling of drugs and devices, except labeling by a manufacturer, packer, or distributor of nonprescription drugs and commercially packaged legend drugs and devices, (c) the participation in drug selection, drug utilization review, drug source selection, and drug administration, (d) the proper and safe storage of drugs and devices and the maintenance of proper records therefor, (e) patient counseling, (f) the provision of pharmaceutical care, and (g) the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of pharmacy. The active practice of pharmacy shall mean the performance of the functions set out in this subdivision by a pharmacist as his or her principal or ordinary occupation;

(2) Administration shall mean the direct application of a drug or device by injection, inhalation, ingestion, or other means to the body of a patient;

(3) Board of pharmacy or board shall mean the Board of Examiners in Pharmacy;

(4) Caregiver shall mean any person acting as an agent on behalf of a patient or any person aiding and assisting a patient;

(5) Compounding shall mean the preparation, mixing, or assembling of a drug or device (a) as the result of a practitioner's prescription order or initiative occurring in the course of professional practice based upon the relationship between the practitioner, patient, and pharmacist or (b) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. Compounding shall include the preparation of drugs or devices in anticipation of prescription orders based upon routine, regularly observed prescribing patterns;

(6) Deliver or delivery shall mean the actual, constructive, or attempted transfer of a drug or device from one person to another, whether or not for consideration;

(7) Department shall mean the Department of Health and Human Services Regulation and Licensure;

(8) Device shall mean an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, which is prescribed by a medical practitioner and dispensed by a pharmacist or other person authorized by law to do so;

(9) Dialysis drug or device distributor shall mean a manufacturer or wholesaler who provides dialysis drugs, solutions, supplies, or devices, to persons with chronic kidney failure for self-administration at the person's home or specified address, upon the order of a medical practitioner;

(10) Dialysis drug or device distributor worker shall mean a person working for a dialysis drug or device distributor operating with a drug dispensing permit who has completed the approved training and has demonstrated proficiency to perform the task or tasks of assembling, labeling, or delivering a patient order;

(11) ~~(9)~~ Dispense or dispensing shall mean the preparation and delivery of a drug or device pursuant to a lawful order of a medical practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the drug or device;

~~(10)~~ (12) Distribute shall mean the delivery of a drug or device other than by administering or dispensing;

~~(11)~~ (13) Drug dispensing permit shall mean a permit issued by the department upon the recommendation of the board to a public health clinic or a dialysis drug or device distributor which allows for the dispensing of drugs and devices in the formulary approved pursuant to section 71-1,147.48;

~~(12)~~ (14) Person shall mean an individual, corporation, partnership, limited liability company, association, or other legal

entity;

~~(13)~~ (15) Labeling shall mean the process of preparing and affixing a label to any drug container or device container, exclusive of the labeling by a manufacturer, packer, or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law or regulation;

~~(14)~~ (16) Pharmaceutical care shall mean the provision of drug therapy for the purpose of achieving therapeutic outcomes that improve a patient's quality of life. Such outcomes shall include (a) the cure of disease, (b) the elimination or reduction of a patient's symptomatology, (c) the arrest or slowing of a disease process, or (d) the prevention of a disease or symptomatology. Pharmaceutical care shall include the process through which the pharmacist works in concert with the patient and his or her caregiver, physician, or other professionals in designing, implementing, and monitoring a therapeutic plan that will produce specific therapeutic outcomes for the patient;

~~(15)~~ (17) Pharmacist shall mean any person who (a) is licensed by the State of Nebraska to practice pharmacy or (b) is primarily responsible for providing pharmaceutical care as defined in subdivision (14) of this section;

~~(16)~~ (18) Pharmacy shall mean (a) any establishment, place, or location advertised as a pharmacy, drug store, hospital pharmacy, dispensary, apothecary, or any combination of such titles or any establishment where the practice of pharmacy is carried on except as exempted in section 71-1,143 and (b) any establishment, place, or location used as a pick-up point or drop point, including kiosks, for prescriptions to be filled or where prescribed drugs or devices are made ready for delivery to the patient, but shall not include an emergency box located within an institution pursuant to the provisions of the Emergency Box Drug Act;

~~(17)~~ (19) Drugs, medicines, and medicinal substances shall mean (a) articles recognized in the official United States Pharmacopoeia, the Homeopathic Pharmacopoeia of the United States, the official National Formulary, or any supplement to any of them, (b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals, (c) articles, except food, intended to affect the structure or any function of the body of a human or an animal, (d) articles intended for use as a component of any articles specified in subdivision (a), (b), or (c) of this subdivision, except any device or its components, parts, or accessories, and (e) prescription drugs as defined in subdivision (22) of this section;

~~(18)~~ (20) Medical practitioner shall mean any licensed physician, surgeon, podiatrist, dentist, or other person licensed to write prescriptions intended for treatment or prevention of disease or to affect body function in humans or animals;

~~(19)~~ (21) Patient counseling shall mean the verbal

communication by a pharmacist, in a manner reflecting dignity and the right of the patient to a reasonable degree of privacy, of information to the patient or caregiver in order to improve therapeutic outcomes by maximizing proper use of prescribed drugs and devices and shall also include the duties set out in subsection (2) of section 71-1,147.35;

~~(20)~~ (22) Pharmacist in charge shall mean a pharmacist licensed by the State of Nebraska to practice pharmacy who has been designated on a pharmacy permit or designated by a public or private hospital licensed by the department as being responsible for the practice of pharmacy in the pharmacy for which such permit is issued or such hospital's inpatient pharmacy and who shall work within the physical confines of such pharmacy for a majority of the hours per week that the pharmacy is open for business averaged over a twelve-month period or thirty hours per week, whichever is less;

~~(21)~~ (23) Pharmacy intern shall mean (a) a student currently enrolled in an accredited college or school of pharmacy or (b) a graduate of an accredited college or school of pharmacy serving his or her internship, such internship to expire not later than fifteen months after the date of graduation or at the time of professional licensure, whichever comes first. Such pharmacy intern may compound and dispense drugs or devices and fill prescriptions only in the presence of and under the immediate personal supervision of a licensed pharmacist. Such licensed pharmacist shall either be (i) the person to whom the pharmacy permit is issued or a person in the actual employ of the permittee or (ii) the pharmacist in charge designated by a public or private institution licensed as a hospital by the department which is not required to obtain a permit pursuant to section 71-1,147.01 or a person in the actual employ of such institution;

~~(22)~~ (24) Prescription drug or legend drug shall mean (a) a drug which under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements: (i) Caution: Federal law prohibits dispensing without prescription; or (ii) Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian or (b) a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by medical practitioners only;

~~(23)~~ (25) Prescription order or prescription shall mean a lawful written or verbal order of a medical practitioner for a drug or device but shall not include an order for a drug or device which is dispensed for administration to a patient during the patient's stay in a hospital;

~~(24)~~ (26) Nonprescription drugs shall mean nonnarcotic medicines or drugs which may be sold without a prescription and which are prepackaged for use by the consumer and labeled in accordance with the requirements of the laws and regulations of this state and the federal government;

~~(25)~~ (27) Public health clinic worker shall mean a person in a public health clinic operating with a drug dispensing permit who has completed the approved training and has demonstrated proficiency to perform the task of dispensing authorized refills of oral contraceptives;

~~(26)~~ (28) Public health clinic shall mean the department, any county, city-county, or multicounty health department, or any private not-for-profit family planning clinic licensed as a health clinic as defined in section 71-2017.01;

~~(27)~~ (29) Supervision shall mean the immediate personal guidance and direction by the licensed pharmacist on duty in the facility of the performance by supportive pharmacy personnel of authorized activities or functions subject to verification by such pharmacist, except that when supportive pharmacy personnel perform authorized activities or functions to assist a pharmacist on duty in the facility when the prescribed drugs or devices will be administered by a licensed staff member or consultant or by a licensed physician assistant to patients or residents of a health care facility licensed pursuant to sections 71-2017 to 71-2029, the activities or functions of such supportive pharmacy personnel shall only be subject to verification by a pharmacist on duty in the facility;

~~(28)~~ (30) Supportive pharmacy personnel shall mean individuals at least eighteen years of age who are high school graduates or officially recognized by the State Department of Education as possessing the equivalent degree of education, who have never been convicted of any drug-related misdemeanor or felony, and who, under the written control procedures and guidelines of an employing pharmacy and who have received onsite training pursuant to subsection (4) of section 71-1,147.33, may perform those functions which do not require the exercise of professional judgment in assisting a pharmacist in connection with the preparation, compounding, dispensing, and distribution of drugs or devices under the supervision of a licensed pharmacist on duty in the facility, when such functions are subject to verification. The ratio of supportive pharmacy personnel allowed to assist one pharmacist in the preparation, compounding, dispensing, and distribution of drugs or devices shall not exceed one-to-one, except that a two-to-one ratio may apply to supportive pharmacy personnel assisting a pharmacist in circumstances when the prescribed drugs or devices will be administered by a licensed staff member or consultant or by a licensed physician assistant to patients of a hospital licensed pursuant to sections 71-2017 to 71-2029. Under no circumstances shall the ratio exceed two supportive pharmacy personnel to one supervising pharmacist;

~~(29)~~ (31) Verification shall mean the confirmation by the supervising pharmacist of the accuracy and completeness of the acts, tasks, or functions undertaken by supportive pharmacy personnel to assist the pharmacist in the practice of pharmacy.

Verification by the supervising pharmacist shall be documented prior to the time when the drug or device is dispensed; and

~~(30)~~ (32) Written control procedures and guidelines shall mean the document prepared by an employing pharmacy and approved by the board which specifies the manner in which the qualifications of supportive pharmacy personnel employed by the pharmacy are determined, the manner in which the training of such personnel is conducted and their basic level of competency is confirmed, the manner in which supervision is provided, the manner in which the functions of supportive pharmacy personnel are verified, and a protocol governing the use of supportive pharmacy personnel and the functions which they may perform.".

2. On page 83, line 22, strike "(2)(a)" and insert "(2)"; and strike lines 24 through 27.

3. On page 84, strike lines 1 and 2; in line 16 before "No" insert "(1)(a)"; in line 17 after "permit" insert "to a public health clinic"; strike line 18 and show the old matter as stricken; in line 19 strike the new matter and insert

"(b) A public health clinic"; in line 23 before "In" insert "(c)"; and after line 27 insert

"(2) A dialysis drug or device distributor shall pay an initial permit fee and an annual renewal fee for a drug dispensing permit equivalent to the fee which a pharmacy pays for a permit pursuant to section 71-1,147.07.".

4. On page 85, line 25, before "All" insert "(3)" and after "department" insert "under this section".

5. On page 88, strike line 4; in line 5 strike "(f)" and insert "(e)"; in line 7 strike "(g)" and insert "(f)"; in line 11 strike "(h)" and insert "(g)"; and in line 16 strike "(i)" and insert "(h)".

6. On page 91, line 27, after "clinic" insert "or a dialysis drug or device distributor facility".

7. On page 94, strike beginning with "Drugs" in line 6 through "substances" in line 8 and insert "Controlled substances shall not be eligible to be included in the formulary".

8. On page 95, line 12, after "inspections" insert "as detailed in subsection (1) of section 71-1,147.51".

9. On page 97, lines 5 and 6, strike "Board of Examiners in Pharmacy" and insert "board".

10. On page 100, lines 26 and 27, strike the new matter and insert "in a public health clinic or as a dialysis drug or device distributor worker for a dialysis drug or device distributor".

11. On page 101, line 1, strike the new matter; and in line 10 after "A" insert "consultant".

12. On page 107, line 27, strike the new matter.

## STANDING COMMITTEE REPORT
## Education

**LEGISLATIVE BILL 1175.** Placed on General File as amended.
(Standing Committee amendment, AM3897, 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 L. Bohlke, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 1108.** Mrs. Hillman renewed her pending amendment, AM3878, found on page 1143.

The Hillman amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Messrs. Wesely and Beutler withdrew their amendment, AM3916, found on page 1155.

Messrs. Abboud and Jensen asked unanimous consent to replace their pending amendment, AM3920, found on page 1160, with a substitute amendment. No objections. So ordered.

Messrs. Abboud and Jensen withdrew their amendment, AM3920, found on page 1160.

Messrs. Abboud and Jensen offered the following substitute amendment:
AM3929

1. Insert the following new sections:

"Sec. 25. AGENCY NO. 20 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION AND LICENSURE

No money appropriated by the Legislature shall be used by the department to (1) build, lease, rent, or operate any building used by a Group Home or Child Caring Agency or (2) support the operation of a Group Home or Child Caring Agency facility if such building or facility is located in an area zoned for single-family residences. This limitation shall not affect any agreement in effect on the effective date of this act.

Sec. 30. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

No money appropriated by the Legislature shall be used by the department to (1) build, lease, rent, or operate any building used by a Group Home or Child Caring Agency or (2) support the operation of a Group Home or Child Caring Agency facility if such building or facility is located in an area zoned for single-family residences. This limitation shall not affect any agreement in effect on the effective date of this act.

Sec. 33. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT

No money appropriated by the Legislature shall be used by the department to (1) build, lease, rent, or operate any building used by a Group Home or Child Caring Agency or (2) support the operation of a Group Home or Child Caring Agency facility if such building or facility is located in an area zoned for single-family residences. This limitation shall not affect any agreement in effect on the effective date of this act.".

2. Renumber the remaining sections accordingly.

Messrs. Lynch and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Abboud and Jensen withdrew their amendment.

Pending.

**AMENDMENT - Print in Journal**

Mr. Maurstad filed the following amendment to LB 1073:
AM3934

(Amendments to AM3785)

1. On page 8, line 10, after "occupancy" insert "in any municipality"; in line 11 after "public" insert "in any municipality"; and in line 12 after "20-319" insert "in a city of the metropolitan, primary, or first class".

**STANDING COMMITTEE REPORT**
**Transportation**

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Motor Carrier Advisory Council
James A. Travalik

Motor Vehicle Industry Licensing Board
Stephan Budke
R. James Campbell
Charles T. Grimsley
Mardy McCullough

NE Board of Public Roads Classifications and Standards
Mark J. Dorcey

NE Railway Council
John Rebensdorf

Frank E. Landis
Carl Larsen
Gary Rasmussen

VOTE: Aye: Senators Coordsen, Dw. Pedersen, C. Peterson, Thompson, Elmer, Bromm, and Matzke. Nay: None. Absent: Senator Robinson.

(Signed) Curt Bromm, Chairperson

## VISITORS

Visitors to the Chamber were Fay Holzworth from Grand Island; 40 ninth and tenth grade students and teacher from Lexington High School; Mr. Yohannes Mekonnen from Ethiopia, Mr. Joseph Abugre from Ghana, Mr. Christopher Kisseih from Ghana, Mr. Hasinjaka Rasamimanantsoa from Madagascar, Prince Victor Ogene from Nigeria, Mr. Patrick Dlamini from Swaziland, Ms. Consolata D. Ishebabi from Tanzania, Ms. Catherine Obel from Uganda, and Ms. Bernadette Lukonde from Zambia; 7 nurses and instructor from the Creighton School of Nursing, Hastings; and 35 fifth grade students and teachers from Milliken Park School, Fremont.

## RECESS

At 11:55 a.m., on a motion by Speaker 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 Messrs. Beutler, Brashear, Bromm, Chambers, Dierks, Janssen, Landis, Lynch, Robinson, Schmitt, Wickersham, Willhoft, and Mrs. Bohlke who were excused until they arrive.

## SELECT FILE

**LEGISLATIVE BILL 1108.** Ms. Schimek offered the following amendment:
FA605
Amend AM3432
on pg. 32, line 8 by deleting "15" and inserting "1" after the word "November"

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

Ms. Schimek withdrew her amendment.

Mr. Wesely withdrew his amendment, AM3760, found on page 1126.

Mrs. Suttle offered the following amendment:
AM3930

1. Strike original section 73 and all amendments thereto and insert the following new section:

"Sec. 101. Laws 1997, LB 389, section 40, is amended to read:

Sec. 40. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION
Program No. 25 - Departmental Administration

| | FY1997-98 | FY1998-99 |
|---|---|---|
| ~~GENERAL FUND~~ | ~~588,378,409~~ | ~~608,020,389~~ |
| ~~CASH FUND~~ | ~~3,984,589~~ | ~~4,152,483~~ |
| GENERAL FUND | 588,474,069 | 608,443,837 |
| CASH FUND | 3,984,589 | 4,074,105 |
| FEDERAL FUND est. | 128,761,801 | 130,809,551 |
| REVOLVING FUND | 623,189 | 623,985 |
| ~~PROGRAM TOTAL~~ | ~~721,747,988~~ | ~~743,606,408~~ |
| ~~SALARY LIMIT~~ | ~~7,260,573~~ | ~~7,248,597~~ |
| PROGRAM TOTAL | 721,843,648 | 743,951,478 |
| SALARY LIMIT | 7,313,506 | 7,312,915 |

There is included in the appropriation to this program for FY1997-98 ~~$580,949,259~~ $580,997,339 General Funds, $2,039,746 Cash Funds, and $121,912,063 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1998-99 ~~$600,739,471~~ $600,989,471 General Funds, $2,040,938 Cash Funds, and $124,171,570 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown for FY1997-98 ~~$172,200~~ $220,280 General Funds for the reimbursement of transportation costs pursuant to section 79-241 for the enrollment option program. There is included in the amount shown for FY1998-99 $172,200 General Funds for the reimbursement of transportation costs pursuant to section 79-241 for the enrollment option program.

There is included in the amount shown for FY1997-98 $454,273,986 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 FY1998-99 $470,290,236 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 appropriation to this program for FY1997-98 $124,965,414 General Funds for special education reimbursement. There is included in the appropriation to this program for FY1998-99 $128,714,376 General Funds for special education reimbursement.

There is included in the appropriation to this program $237,525 General Funds provided as state aid in FY1997-98 and ~~$262,525~~ $312,525 General Funds provided as state aid in FY1998-99 to carry out the provisions of subsection (2) of section 79-734.

There is included in the appropriation to this program $560,000 General Funds provided as state aid in FY1997-98 and $560,000 General Funds provided as state aid in FY1998-99 for early childhood education projects.

There is included in the appropriation to this program $50,000 General Funds for FY1997-98 and $50,000 General Funds for FY1998-99 to be used only for the purpose of making donations from business and other sources to initiate pilot technology projects.

There is included in the appropriation to this program $240,782 General Funds for FY1997-98, which shall only be used for the purpose of a contract with the Nebraska Educational Telecommunications Commission for the Schools TeleLearning/Distance Learning Program. There is included in the appropriation to this program $240,782 General Funds for FY1998-99, which shall only be used for the purpose of a contract with the Nebraska Educational Telecommunications Commission for the Schools TeleLearning/Distance Learning Program.

There is included in the appropriation to this program $100,000 General Funds for FY1997-98 to develop or enhance interpreter training programs, which shall only be used for such purpose. There is included in the appropriation to this program $250,000 General Funds for FY1997-98, which shall only be used for satellite programs for children who are deaf or hard of hearing. There is included in the appropriation to this program $100,000 General Funds for FY1998-99 to develop or enhance interpreter training programs, which shall only be used for such purpose. There is included in the appropriation to this program $250,000 General Funds for FY1998-99, which shall only be used for satellite programs for children who are deaf or hard of hearing.

There is included in the appropriation to this program $200,000 General Funds provided as state aid in FY1998-99 to educational service units to provide school nursing services for school districts. It is the intent of the Legislature that a pro rata share of the aid for school nursing services shall be allocated to an educational service unit based on the amount expended for such services by the educational service unit in FY1997-98.

On or before October 1 of each year, the Department of Health and Human Services Finance and Support 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 FY1997-98 and FY1998-99 to the Department of Health and Human Services Finance and Support to aid in carrying out the provisions of Laws 1991, LB 701. The budget administrator of the budget division of the Department of Administrative Services shall distribute the amount appropriated between budget programs according to percentages certified by the Department of Health and Human Services Finance and Support.

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 FY1997-98 and FY1998-99 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 and the Governor by December 1 of each year.

Continuing in FY1997-98 and FY1998-99, 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.

Continuing in FY1997-98 and FY1998-99, 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.

There is included in the appropriation to this program for FY1997-98 $21,675 Federal Funds estimate for century date change conversion of software, hardware, and data to implement the

intent expressed in the Information Technology Infrastructure Act.

It is the intent of the Legislature that the State Department of Education shall develop a fee structure for revenue to support the private postsecondary career schools beginning in FY1999-00. The department shall submit a proposal to the Appropriations Committee of the Legislature by September 15, 1998.

The unexpended General Fund appropriation existing on June 30, 1997, from Laws 1996, LB 1050A, is hereby reappropriated to be used to provide matching funds for school district reorganization studies in FY1997-98.

The General Fund balance not to exceed $2,721,420 of funds encumbered from the FY1996-97 appropriation for special education may be expended to fully fund the 1996-97 below-age-five program and transportation claims.

There is hereby reappropriated for FY1997-98 $10,000 General Funds for planning for the Western Governors' University.

On or before June 30, 1998, the State Department of Education shall liquidate $1,000,000 of unexpended General Funds originally certified as special education encumbrances. The State Department of Education shall submit the General Document to the budget division of the Department of Administrative Services, which shall lapse $1,000,000 General Funds from this program for FY1997-98.".

Mr. Will moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Suttle requested a roll call vote on her amendment.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Hilgert | Lynch | Robinson | Thompson |
| Bohlke | Hudkins | Matzke | Schellpeper | Vrtiska |
| Chambers | Janssen | Peterson, C. | Schimek | Wesely |
| Crosby | Jones | Preister | Stuhr | Will |
| Dierks | Kiel | Robak | Suttle | Willhoft |
| Hartnett | | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Hillman | Pedersen, Dw. | Schmitt | Wehrbein |
| Bruning | Kristensen | Pederson, D. | Schrock | Wickersham |
| Cudaback | Maurstad | Raikes | Tyson | Witek |
| Engel | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Brown | Elmer | Jensen |

Excused and not voting, 4:

Brashear Bromm Coordsen Landis

The Suttle amendment was adopted with 26 ayes, 16 nays, 3 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

**AMENDMENTS - Print in Journal**

Mr. Hilgert filed the following amendments to LB 1089:

(1)

AM3937

1. On page 10, line 8, after "represent" insert ", and all representatives must be elected officials".

(2)

AM3908

1. Strike beginning with "A" on page 6, line 22, through "(2)" on page 7, line 5, and all amendments thereto.

2. On page 8, line 4, strike "(3)" and insert "(2)"; and in line 16 strike "(4)" and insert "(3)".

(3)

AM3910

1. On page 2, line 25, after "county" insert "other than a county containing a city of the metropolitan class".

(4)

AM3911

1. On page 1, strike line 13.

Messrs. Wesely, Schmitt, Tyson, and Jones filed the following amendment to LB 1162:

AM3881

(Amendments to E & R amendments, AM7230)

1. Insert the following new sections:

"Sec. 83. Section 81-1307, Revised Statutes Supplement, 1997, is amended to read:

81-1307. The Director of Personnel shall be responsible for the administration of the personnel division. Subject to the review powers of the State Personnel Board, the director shall be responsible for development of recommendations on personnel policy and for development of specific administrative systems and shall have the authority to adopt, promulgate, and enforce rules and

regulations pertaining thereto. The director shall be responsible for specific administrative systems including, but not limited to, the following:

(1) Employment Services:

(a) General employment policies and procedures;

(b) Position classification plans;

(c) Job descriptions;

(d) Job specifications;

(e) Salary or pay plans;

(f) Staffing patterns; and

(g) Recruiting of qualified applicants for employment and the maintenance of qualified applicants for employment for all positions in state government;

(2) Personnel Records:

(a) A system of records and statistical reports containing general data on all employees, including current salary levels and such other information as may be required by the operating needs of state departments and agencies and the budget division; and

(b) Standards for the development and maintenance of personnel records to be maintained within operating departments of the state government;

(3) Personnel Management:

(a) Minimum standards for evaluation of employee efficiency and a system of regular evaluation of employee performance;

(b) Administrative guidelines governing such matters as hours of work, promotions, transfers, demotions, probation, terminations, reductions in force, salary actions, and other such matters as may not be otherwise provided for by law;

(c) Administrative policies and general procedural instructions for use by all state agencies relating to such matters as employee benefits, vacation, sick leave, holidays, insurance, sickness and accident benefits, and other employee benefits as the Legislature may from time to time prescribe; and

(d) A system of formally defined relationships between the personnel division and departments and agencies to be covered by the State Personnel System;

(4) Salary and Wage Survey: Measuring, through the use of surveys, the state's comparative level of employee compensation with the labor market;

(5) Staffing Patterns:

(a) Staffing patterns for each department and agency of state government that conform with those authorized by the budget division;

(b) Revisions to staffing patterns of all departments and agencies that have been approved by the budget division;

(c) Merit increases provided for any employee of the state that are the result of positive action by the appropriate

supervisor; and

(d) The state's pay plan, as enacted by the Legislature, together with such amendments as may occur, is explained in appropriate handbooks for employees of the state;

(6) Temporary ~~Employee Pool~~ Employees:

(a) The director shall administer ~~a temporary employee applicant pool~~ the Temporary Employee Pool containing applicants from which state agencies can draw when in need of a short-term labor supply; and

(b) State agencies must receive approval from the director before hiring any temporary employee; and

(7) Employee Recognition Program: The director shall administer an employee recognition program for state employees. The program shall serve as the authorized program for honoring state employees for dedicated and quality service to the government of the State of Nebraska.

Sec. 84. The personnel division of the Department of Administrative Services shall provide an annual report to the Clerk of the Legislature. The report shall include the following information based on the prior fiscal year: (1) The number of temporary employees employed by the state; (2) the number of such temporary employees who were eligible for health insurance coverage pursuant to section 84-1601; (3) the number of such temporary employees who elected coverage; and (4) the average length of health insurance coverage for those temporary employees who elected coverage.

Sec. 85. Section 84-1601, Reissue Revised Statutes of Nebraska, is amended to read:

84-1601. (1) There is hereby established a program of group life and health insurance for all permanent employees of this state who work one-half or more of the regularly scheduled hours during each pay period, excluding employees of the University of Nebraska, the state colleges, and the community colleges. Such program shall be known as the Nebraska State Insurance Program and shall replace any current program of such insurance in effect in any agency and funded in whole or in part by state contributions.

(2) Temporary employees of the state who have a work assignment of at least six months' duration and who work at least twenty hours per week may purchase health insurance through the Nebraska State Insurance Program. The state shall pay the same proportion of the insurance premium for temporary employees as is established through the collective bargaining process for permanent employees. For purposes of this subsection, temporary employees means individuals (a) employed in the Temporary Employee Pool as described in subdivision (6) of section 81-1307 and (b) hired directly by state agencies. In no event shall a temporary employee mean an individual hired through a private employment agency.

(3) For purposes of sections 84-1601 to 84-1615, health insurance may be construed to include coverage for disability and

dental health care services.

~~(3)~~ (4) Any commissioned employee of the Nebraska State Patrol who on or after July 17, 1986, has reached fifty-one years of age or becomes medically disabled and who will not receive benefits from the federal social security program shall be afforded the opportunity to remain enrolled in the state employees group health insurance program until age sixty-five. Employees electing this option shall be responsible for the entire premium cost, including the state's share, the employee's share, and an administrative fee consistent with that allowed by federal guidelines for continuation of health insurance.

Sec. 86. Section 84-1604, Reissue Revised Statutes of Nebraska, is amended to read:

84-1604. The coverages provided for by sections 84-1601 to 84-1615 shall be afforded to each permanent state employee who works one-half or more of the regularly scheduled hours during each pay period, commencing after thirty days of such employment, and to each temporary employee only as described in subsection (2) of section 84-1601, commencing after thirty days of such employment. ~~Employees~~ Permanent and temporary employees who are employed less than the regularly scheduled hours as defined for a permanent employee shall be entitled to state contributions on a proportionately reduced basis. The life and health insurance coverages provided by sections 84-1601 to 84-1615 shall be totally independent of one another and the loss experience and the rates for the two coverages shall be maintained separate and apart from one another.".

2. On page 82, line 9, strike "and"; in line 10 after the first comma insert "84-1601, and 84-1604,"; and in line 11 strike "and 44-6823" and insert "44-6823, and 81-1307".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Landis filed the following amendment to LB 1073:
AM3834

(Amendments to E & R amendments, AM7219)

1. On page 51, lines 3 and 4, reinstate the stricken language; and in lines 4 and 5 strike the new matter.

Mr. Lynch and Mrs. Hillman filed the following amendment to LB 1129:
AM3906

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new sections:

"Section 1. Section 81-173, Reissue Revised Statutes of Nebraska, is amended to read:

81-173. For purposes of the Deferred Building Renewal Act and sections 81-191.01, 85-106, and 85-304, unless the context otherwise requires:

(1) Renewal work ~~shall mean~~ means any (a) deferred or

preventive maintenance projects that will restore facilities and utility systems as closely as practicable to their original constructed condition as defined by the Task Force for Building Renewal, (b) projects that will bring facilities into compliance with current fire safety, life safety, and hazardous materials abatement requirements, and (c) projects that will bring facilities into compliance with the federal Americans with Disabilities Act of 1990. The standard of quality maintenance shall be set after consideration of the facility users, geographical location, condition, and physical analysis of each building;

(2) Deferred maintenance ~~shall mean~~ means any measures taken to: (a) Correct or repair structural or mechanical defects that would endanger the integrity of a building or its components or allow unwanted penetration of the building by the outdoor elements; (b) correct or repair structural, mechanical, or other defects in a building or its components or utility systems which endanger the lives or health of state employees or the general public; (c) bring a building into compliance with the federal Americans with Disabilities Act of 1990; or (d) correct a waste of energy, including minor repairs, alteration and maintenance painting, cost of materials, hiring of building maintenance personnel, and other necessary expenses for the maintenance of roofs, exterior walls, retaining walls, foundations, flooring, ceilings, partitions, doors, building hardware, windows, plaster, structural ironwork, screens, plumbing, heating, air-handling, and air conditioning equipment, or electrical systems, but excluding decorative finish or furnishing~~;~~ or building additions; ~~; or installation of additional summer-winter air conditioning; except as it may be required to comply with the federal Americans with Disabilities Act of 1990;~~

(3) Preventive maintenance ~~shall mean~~ means any measures taken to maintain the structural or mechanical integrity of a building or its components including those measures listed in subdivision (2) of this section; and

(4) Task force ~~shall mean~~ means the Task Force for Building Renewal.

Sec. 2. Section 81-174, Revised Statutes Supplement, 1997, is amended to read:

81-174. There is hereby established the Task Force for Building Renewal to carry out the Deferred Building Renewal Act. The ~~Governor~~ Director of Administrative Services shall appoint an administrator as the chief officer of the task force. The administrator shall retain not more than four consultants to assist him or her in the administration of the Deferred Building Renewal Act. Each task force member shall be selected on the basis of his or her ability to administer and accomplish efficient building maintenance and shall have knowledge of and experience in the contracting of construction projects and the maintaining of buildings. Members shall be selected so that the task force

represents diversified expertise needed for maintenance judgments and, if practical, each member should reside at a location that allows efficient visitation of state-owned buildings. ~~Voting membership of the task force shall be limited to the five members identified in this section.~~

Sec. 3. Section 81-178, Reissue Revised Statutes of Nebraska, is amended to read:

81-178. The report required by section 81-177 shall classify work items by urgency of need using three classes defined as follows:

Class I -- items for immediate action to (1) provide safety and protection against costly damage to buildings or their utility systems, (2) make structural, mechanical, or other repairs to buildings or their components or utility systems which are an immediate danger to the lives or health of state employees or the general public, or (3) bring buildings into compliance with the federal Americans with Disabilities Act of 1990;

Class II -- items of imperative need to correct problems that if neglected will quickly deteriorate further into Class I items that must be done to provide efficient and safe use of the facility or system; and

Class III -- additional items necessary to fully renew or provide efficient and safe use of the facility or system.

The task force shall recommend to the Governor the classification of projects and priorities to be established for grants within the classifications. The Governor shall make such classification of projects and establish such priorities as shall be best calculated to achieve the purposes of the Deferred Building Renewal Act. ~~Any energy conservation project shall be assigned a priority of Class II or higher.~~

Sec. 4. Section 81-187, Reissue Revised Statutes of Nebraska, is amended to read:

81-187. A copy of all estimates, reports, and allocation requests required by ~~sections 81-173 to 81-190, 85-106, and 85-304~~ the Deferred Building Renewal Act shall be submitted to the Legislative Fiscal Analyst upon his or her request.

Sec. 12. The State College Facility Fee Fund is created. Revenue credited to the fund shall include amounts generated through assessment of a facilities fee under authority of the Board of Trustees of the Nebraska State Colleges. Amounts accumulated in the fund are authorized to be expended for the purpose of paying the cost of capital improvement projects approved by the board of trustees for any facilities on campuses or lands owned or controlled by the board, except that no such amounts shall be expended for capital improvement projects relating to facilities from which revenue is derived and pledged for the retirement of revenue bonds issued under the provisions of sections 85-403 to 85-411. All money accruing to the fund is appropriated to the board of trustees and shall be used for capital improvement

projects authorized by the board. No expenditure may be made from the fund without prior approval by a resolution of the board of trustees. 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. All revenue, fund balances, and expenditures shall be recorded in the Nebraska State Accounting System.".

2. On page 11, line 6, after "sections" insert "81-173, 81-178, 81-187,"; and in line 8 after "sections" insert "81-174," and after "81-1108.43" insert a comma.

3. Renumber the remaining sections accordingly.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 695 and 695A.

### Enrollment and Review Change to LB 695

The following changes, required to be reported for publication in the Journal, have been made:
ER9129

1. In the E & R amendments, AM7197:

a. On page 4, line 1, "department" has been struck and "Department of Correctional Services" inserted; and

b. On page 6, line 14, "to create the County Property Tax Relief Program; to provide state aid for counties;" has been inserted after the semicolon.

(Signed) Jon C. Bruning, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 1108.** Mr. Tyson and Ms. Schimek renewed their pending amendment, AM3887, found on page 1156.

Messrs. Engel, Matzke, and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson and Ms. Schimek withdrew their amendment.

Mr. Dw. Pedersen offered the following amendment:
AM3538

1. Insert the following new section:

"Sec. 59. Laws 1997, LB 150, section 1, is amended to read:

Section 1. The Department of Correctional Services is

hereby authorized to begin a competitive site selection process for a new medium-maximum security adult correctional facility and to ~~begin construction~~ proceed through schematic design of the project. Prior to selecting a site, the Director of Correctional Services shall consider various site proposals and evaluate them for cost effectiveness. The facility shall be built on land to which the state either currently holds title or acquires title prior to construction. The facility shall have a design capacity of nine hundred sixty beds, consisting of approximately one hundred ninety-two segregation beds and approximately seven hundred sixty-eight medium security beds. The facility shall be ~~built with~~ designed to have ancillary capacity to accommodate up to an additional two hundred fifty-six medium security beds. The total project cost of the designed facility shall not exceed $73,943,763. Annual operating costs are estimated not to exceed $15,276,921.

There is hereby appropriated ~~(1) $4,064,148~~ $1,005,000 from the State Building Fund and $2,213,791 from federal funds for FY1997-98 to the Department of Correctional Services, for Program 915, for the competitive site selection process and schematic design. ~~to begin the project and (2) $18,034,053 from the State Building Fund and $2,246,400 from federal funds for FY1998-99 to the Department of Correctional Services, for Program 915, to continue the project. Additional appropriations required to complete the project include $24,069,080 from the State Building Fund for FY1999-00 and $23,316,291 from the State Building Fund for FY2000-01.~~

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $40,000 for FY1997-98. ~~or $41,100 for FY1998-99.~~".

2. On page 101, line 6, after the semicolon insert "Laws 1997, LB 150, section 1;".

3. Renumber the remaining sections accordingly.

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Dw. Pedersen moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. Dw. Pedersen requested a roll call vote on his amendment.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Beutler | Chambers | Hilgert | Landis | Suttle |
| Bohlke | Cudaback | Hudkins | Pedersen, Dw. | Thompson |
| Bromm | Hartnett | Jones | Robak | Will |
| Bruning | | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Kristensen | Peterson, C. | Tyson |
| Brashear | Hillman | Lynch | Schimek | Wehrbein |
| Brown | Janssen | Maurstad | Stuhr | Wesely |
| Crosby | | | | |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Dierks | Raikes | Schellpeper | Vrtiska | Willhoft |
| Jensen | Robinson | Schmitt | Wickersham | Witek |
| Preister | | | | |

Absent and not voting, 1:

Schrock

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Coordsen | Engel | Kiel | Matzke | Pederson, D. |

The Dw. Pedersen amendment lost with 16 ayes, 16 nays, 11 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to bracket LB 1108 until April 3, 1998.

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

Mr. Will offered the following amendment to the Chambers pending motion:
FA607
amend the motion to bracket to March 20, 1998.

The Will amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

The Chambers motion to bracket, as amended, prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**AMENDMENTS - Print in Journal**

Mrs. Brown filed the following amendment to LB 1073:
AM3605
(Amendments to Standing Committee amendments, AM2955)
1. Insert the following new section:
"Sec. 13. Section 43-536, Revised Statutes Supplement, 1997, is amended to read:

43-536. In determining the rate of reimbursement for child care, the Department of Health and Human Services Finance and Support shall conduct a market rate survey of the child care providers in the state. The Department of Health and Human Services shall adjust the reimbursement rate for child care every second year beginning July 1, 1997, at a rate not less than the sixtieth percentile and not to exceed the seventy-fifth percentile of the current market rate survey, except that nationally accredited child care providers may be reimbursed at higher rates.".

2. Renumber the remaining sections and correct the repealer and internal references accordingly.

Messrs. Beutler and Wesely filed the following amendment to LB 1108:
AM3932

1. Insert the following new section:

"Sec. 58. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA
Program No. 781 - University - Administration

| | FY1997-98 | FY1998-99 |
|---|---|---|
| GENERAL FUND | -0- | 200,000 |
| PROGRAM TOTAL | -0- | 200,000 |

There is included in the appropriation to this program $200,000 General Funds for FY1998-99 for the Nebraska Tree Recovery Program within the Nebraska Forest Service of the University of Nebraska Institute of Agriculture and Natural Resources Department of Forestry, Fisheries and Wildlife. The funds appropriated in this section may be utilized to plant, remove, dispose of, replace, or repair storm-damaged or weather-damaged trees. Three percent of the funds appropriated for this program shall be available for administrative costs. It is the intent of the Legislature that the unexpended General Fund balance existing on June 30, 1999, is hereby reappropriated.".

2. Renumber the remaining sections accordingly.

Mr. Wehrbein filed the following amendment to LB 1108:
AM3943

(Amendments to AM3759)

1. On page 1, after line 8, insert "SALARY LIMIT -0- 95,344".

Mrs. Witek filed the following amendment to LB 1070:
AM3734

(Amendments to E & R amendments, AM7221)

1. Strike sections 1 to 6, 8, and 9 and insert the following new sections:

"Section 1. The Nebraska Health Infrastructure Trust Fund is created. The fund shall include the first sixty-five million dollars of (1) revenue received on or after January 1, 1998, from governmental nursing facilities participating under the

requirements for payments for nursing facility services under the medical assistance program established pursuant to section 68-1018 and (2) revenue received from a settlement or judgment awarded to the State of Nebraska as a result of tobacco-related litigation for compensation for the costs of treating smoking-related illnesses. The Department of Health and Human Services Finance and Support shall remit such revenue to the State Treasurer for credit to the fund. The department shall remit any revenue received in excess of the first sixty-five million dollars from the sources listed in subdivisions (1) and (2) of this section to the State Treasurer for credit to the General Fund. The department shall administer the fund and shall adopt and promulgate rules and regulations to establish the procedures for participation by governmental nursing facilities. 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. 2. (1) The Department of Health and Human Services Finance and Support shall distribute the money in the Nebraska Health Infrastructure Trust Fund as provided in this section.

(2) The department shall:

(a) Make available for distribution the first forty million dollars placed in the fund pursuant to section 1 of this act, plus interest accruing prior to distribution, in the form of grants as provided in section 3 of this act, after deducting expenses incurred in the administration of the grants; and

(b) Allocate the next twenty-five million dollars placed in the fund pursuant to section 1 of this act, plus interest accruing prior to distribution, for the state's matching share for children's health insurance under Title XXI of the federal Social Security Act.

(3) Nothing in this section requires the department to distribute all money in the fund in any one year. The department may hold over any money in the fund to subsequent years.

Sec. 3. (1) For purposes of this section:

(a) Alternatives to nursing facility care means those services included in the program of home and community-based waiver services for aged persons or adults or children with disabilities under the medical assistance program established pursuant to section 68-1018;

(b) Conversion means (i) the remodeling of existing space and, if necessary, the construction of additional space required to accommodate assisted-living facility services or any other alternatives to nursing facility care or (ii) new construction of an assisted-living facility or other alternative to nursing facility care if existing nursing facility beds are no longer licensed and the Department of Health and Human Services Finance and Support determines that new construction is more cost effective than the conversion of existing space; and

(c) Nursing facility means a facility licensed as a nursing facility, a skilled nursing facility, or an intermediate care facility as such terms are defined in section 71-2017.01 or a long-term care hospital or a distinct part of a hospital, as such terms are defined in section 71-2017.01, which is primarily devoted to providing the care and services enumerated in subdivision (10), (11), or (20) of section 71-2017.01, but does not include an intermediate care facility for the mentally retarded as defined in section 71-2017.01.

(2) The Department of Health and Human Services Finance and Support, with the advice of the Nursing Home Advisory Council, shall award grants for capital or one-time expenditures, including, but not limited to, startup and training expenses and operating losses for the first year, to any governmental nursing facility which has been approved for at least three years as a provider under the medical assistance program established pursuant to section 68-1018 to convert all or a portion of the facility licensed to provide such care to a licensed assisted-living facility or to any other type of alternatives to nursing facility care.

(3) During each calendar year in which grants are available from the Nebraska Health Infrastructure Trust Fund under this section, the department, with the advice of the Nursing Home Advisory Council, shall award grants to governmental nursing facilities. The department shall annually establish a calendar for receiving and evaluating proposals and awarding grants.

(4) No grant application shall be approved by the department unless the applicant can demonstrate that (a) conversion of the nursing facility or portion of the facility to an assisted-living facility or other alternatives to nursing facility care will offer efficient and economical care to individuals requiring long-term care services in the area, (b) assisted-living services or other alternatives to nursing facility care are unlikely to be available in the area for individuals eligible for services under the medical assistance program established pursuant to section 68-1018, and (c) the resulting reduction in the availability of nursing facility services is not expected to cause undue hardship on those individuals requiring nursing facility services. No grant shall be awarded unless the applicant agrees to maintain a minimum occupancy rate by individuals eligible for services under the medical assistance program established pursuant to section 68-1018.

(5) The department shall adopt and promulgate rules and regulations which establish (a) an application process for grants, (b) criteria for nursing facilities to receive funding, including, but not limited to, minimum occupancy rates and allowable costs, (c) criteria for the rates and amounts of funding, and (d) other procedures as the department deems necessary for the proper administration of this section.

(6) This section does not create an entitlement to any funds available for grants under this section, and the department may award grants to the extent funds are available and, within its discretion, to the extent such applications are approved.

(7) The department shall provide annual reports to the Governor and the Legislature concerning grants awarded under this section. Each report shall include the number of applicants and approved applicants, an overview of the various grants awarded, and detailed reports of the cost of each project funded by a grant.

Sec. 5. Original Laws 1997, LB 389, section 258, is repealed.".

2. Renumber the remaining sections accordingly.

## SELECT FILE

**LEGISLATIVE BILL 1110.** E & R amendment, AM7222, found on page 1049, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1110A.** E & R amendment, AM7226, found on page 1050, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 63.** E & R amendment, AM7225, found on page 1050, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1107.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1100.** E & R amendment, AM7216, found on page 970, was adopted.

Mrs. Hillman withdrew her amendment, AM3789, found on page 1060.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1138.** E & R amendment, AM7215, found on page 970, was adopted.

Mr. Will withdrew his motion, found on page 946, to indefinitely postpone LB 1138.

Mrs. Brown offered the following amendment:
AM3653

(Amendments to Standing Committee amendments, AM3456)

1. Insert the the following new section:

"Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 3, line 12, strike "There" and insert "If this legislative bill passes with the emergency clause, there"; and in line 20 after the first period insert:

"If this legislative bill does not pass with the emergency clause, there is hereby appropriated $60,000 from the General Fund for FY1998-99 to the Coordinating Commission for Postsecondary Education, for Program 640, to aid in carrying out the provisions of section 3 of this act.".

The Brown amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 924.** E & R amendment, AM7232, printed separately and referred to on page 1102, was adopted.

Mr. Jones renewed his pending amendment, FA569, found on page 999.

Mr. Jones moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Hillman requested a roll call vote on the Jones amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Janssen | Pedersen, Dw. | Stuhr |
| Bromm | Dierks | Jensen | Robinson | Tyson |
| Bruning | Hartnett | Jones | Schellpeper | Vrtiska |
| Chambers | Hudkins | Landis | Schmitt | Witek |
| Crosby | | | | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Hilgert | Maurstad | Schimek | Wesely |
| Bohlke | Hillman | Peterson, C. | Suttle | Wickersham |
| Brashear | Kiel | Raikes | Thompson | Will |
| Brown | Kristensen | Robak | Wehrbein | Willhoft |
| Coordsen | Lynch | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Elmer | Preister | Schrock |

Excused and not voting, 3:

| | | |
|---|---|---|
| Engel | Matzke | Pederson, D. |

The Jones amendment lost with 21 ayes, 22 nays, 3 present and not voting,

and 3 excused and not voting.

The Chair declared the call raised.

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

Mr. Coordsen renewed his pending amendment, AM3739, found on page 1051.

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

The Coordsen amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Pending.

## GENERAL FILE

**LEGISLATIVE BILL 504.** Title read. Considered.

**MR. WILL PRESIDING**

The Standing Committee amendment, AM0782, found on page 904, First Session, 1997, was considered.

Mr. Jensen renewed his pending amendment, AM0972, found on page 390, to the Standing Committee amendment.

The Jensen amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

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

**LEGISLATIVE BILL 632.** Title read. Considered.

Mrs. Witek moved to bracket LB 632 until April 14, 1998.

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

Mrs. Witek withdrew her motion to bracket.

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

The Standing Committee amendment, AM0922, found on page 1188, First Session, 1997, was considered.

Mr. Kristensen renewed his pending amendment, AM3917, found on page 1155, to the Standing Committee amendment.

The Kristensen 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 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 343.** Introduced by Wesely, 26; Landis, 46.

WHEREAS, the Lincoln Northeast High School boys' basketball team won the 1998 Class A Boys' State Championship; and

WHEREAS, the Lincoln Northeast High School boys' basketball team completed a historical fourth consecutive Class A title by winning the 1995, 1996, and 1997 Class A Boys' State Championship in previous years; and

WHEREAS, the Lincoln Northeast High School boys' basketball team has achieved a feat never before achieved by any Class A school; and

WHEREAS, Lincoln Northeast High School has won twelve 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 a consistent dedication to the high standards demanded of a successful athletic team; and

WHEREAS, the members of the team have illustrated great talent, dedication, and a willingness to endure the hard work that is required to be a champion; and

WHEREAS, coaches Rick Collura, Rex Mercer, Doug Kaltenberger, Pat Gatzemeyer, Dan Noble, Joe Scherr, and Kyle Erickson; team members Erik Burback, David Mercer, Jerrad Allen, Mitch Tessendorf, T. Mason, Ben Pederson, Vernon Jiles, Luke Hansen, Travis Ford, Trevor Johnson, John Bell, and Mike Hahn; trainers Sheila Lemmert, Chey Collura, and Kelly Nekola; student assistants Matt Sherman, Chris Summers, and Amanda Greening; and the team members' parents are deserving of special recognition for their success and commitment to excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 1998 Class A championship.

2. That a copy of this resolution be sent to Lincoln Northeast High School.

Laid over.

**LEGISLATIVE RESOLUTION 344.** Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to conduct a study of the following issues related to juvenile justice:

(1) How can the juvenile justice system in Nebraska be made accountable to the public's interest in assuring that the public is kept safe, restitution can be made to victims of juvenile crime, juveniles adjudicated by the system receive appropriate treatment and sanctions for their behavior, and crime prevention efforts are utilized;

(2) Should juvenile judges be given the authority to "sentence" juveniles to specific programs under the Office of Juvenile Services for a determinate amount of time;

(3) What alternatives are available in adjudicating status offenders who repeat status offenses and how can these offenders be evaluated; and

(4) Should the budget for the Office of Juvenile Services remain separate from other child welfare services offered under the Health and Human Services System.

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

1. That a special committee of the Legislature made up of two Senators from each of the following committees: Health and Human Services, Judiciary, and Appropriations, appointed by the Chairperson of the committee, be designated to conduct an interim study to carry out the purposes of this resolution. The study shall involve participants from the Health and Human Services System, the Office of Juvenile Services, juvenile court judges, prosecutors, defense attorneys, child advocacy groups, and other interested parties.

2. That the special committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 1073:
AM3939

(Amendments to E & R amendments, AM7219)

1. Insert the following new section:

"Sec. 156. Any person who is blind as defined in section

83-212 and who provides services under contract to the State of Nebraska to a disabled person as defined in section 68-1503 shall be afforded the opportunity to enroll in the state employees group health insurance program until age sixty-five. Eligible persons electing this option shall be responsible for the entire premium cost, including the state's share, the employee's share, and an administrative fee consistent with that allowed by federal guidelines for continuation of health insurance.".

2. Amend the operative date section so that the section added by this amendment becomes operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Ms. Schimek, Mmes. Stuhr, Suttle, Messrs. Janssen, and Preister filed the following amendment to LB 1162:
AM3946

(Amendments to E & R amendments, AM7230)

1. Insert the following new section:

"Sec. 83. (1) Commencing August 1, 1998, and notwithstanding section 44-3,131, (a) any individual or group sickness and accident insurance policy or subscriber contract delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and (b) any self-funded employee benefit plan to the extent not preempted by federal law shall include coverage for the equipment, supplies, medication, and outpatient self-management training and patient management, including medical nutrition therapy, for the treatment of insulin-dependent, insulin-using diabetes, gestational diabetes, and non-insulin-using diabetes if prescribed by a health care professional legally authorized by law to prescribe such items.

(2) The equipment, supplies, medication, and patient management for the use of the equipment, supplies, and medication listed in this subsection shall be included in the coverage required by this section: Blood glucose monitors; blood glucose monitors for the legally blind; test strips for glucose monitors; urine testing strips; insulin; injection aids; lancet and lancet devices; syringes; insulin pumps and all supplies for the pump; insulin infusion devices; oral agents for controlling blood sugars; glucose agents and glucagon kits; insulin measurement and administration aids for the visually impaired; patient management materials that provide essential diabetes self-management information; and podiatric appliances for the prevention of complications associated with diabetes.

(3) The benefits under this section shall be provided for the patient upon the diagnosis of diabetes, when a significant change occurs in the patient's symptoms or condition that

necessitates changes in a patient's self-management, or when refresher patient management is necessary. The benefits shall cover home visits when medically necessary and prescribed by a health care professional legally authorized by law to prescribe such items. Patient management may be conducted individually or in a group setting as long as there is medical necessity.

(4) Diabetes self-management training and patient management, including medical nutrition therapy, shall be provided by a certified, registered, or licensed health care professional with expertise in diabetes. Expertise means a minimum of twenty hours of continuing education units every two years specifically in diabetes-related education. Certified diabetes educator status meets all of these requirements.

(5) Physician-prescribed diabetes self-management training and patient management shall be covered at diagnosis, when symptoms or conditions change, and when new medications or treatments are prescribed. Coverage shall be for a maximum of twenty-four total hours per year.

(6) This section does not prevent application of deductible or copayment provisions contained in the policy or health benefit plan or require that coverage under an individual or group policy or health benefit plan be extended to any other procedures. Private third-party payors may not reduce or eliminate coverage due to this section.

(7) For purposes of this section, patient management means educational and training services furnished to an individual with diabetes in an outpatient setting by an individual or entity with experience in diabetes, in consultation with the physician who is managing the patient's condition, who certifies that such services are needed under a comprehensive plan of care related to the individual's condition to ensure therapy or compliance or to provide the individual with necessary skills and knowledge, including skills related to the self-administration of injectable drugs which participate in the management of the individual's condition.".

2. Correct the operative date section so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections accordingly.

Messrs. Wickersham and Coordsen filed the following amendment to LB 1104:
(Amendment, AM3950, 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 - Member Excused

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 1126.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 699.** Title read. Considered.

The Standing Committee amendment, AM2727, found on page 221, was considered.

Mmes. Crosby and Suttle asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee 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 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 924.** Mr. Coordsen asked unanimous consent to replace his pending amendment, AM3738, printed separately and referred to on page 1116, with a substitute amendment. No objection. So ordered.

Mr. Coordsen withdrew his amendment, AM3738, printed separately and referred to on page 1116.

Mr. Coordsen renewed his substitute pending amendment, AM3919, on file and referred to on page 1157.

Mr. Bromm offered the following amendment to the Coordsen pending amendment:
FA609

(Amendments to AM3919)

1. Insert the following new section:

"Sec. 68. Section 84-1205.03, Revised Statutes Supplement, 1997, is amended to read:

84-1205.03. (1) Any state agency <u>other than the courts</u> desiring to enter into an agreement to or otherwise provide electronic access to public records through a gateway for a fee shall make a written request for approval to the board. The request shall include, but not be limited to, (a) a copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement, (b) the public records which are the subject of the contract or proposed electronic access fee, (c) the anticipated or actual timeline for implementation, and (d) any security provisions for the protection of confidential or sensitive records. The board shall take action on such request in

accordance with section 84-1205.02 and after a public hearing within thirty days after receipt. The board may request a presentation or such other information as it deems necessary from the requesting state agency.

(2) A state agency other than the courts may charge a fee for electronic access to public records without the board's approval for a one-time sale in a unique format. The purchaser may object to the fee in writing to the board, and the one-time fee shall then be subject to approval by the board according to the procedures and guidelines established in sections 84-1205 to 84-1205.04.

(3) Courts providing electronic access to public records through a gateway for a fee shall make a written report. The State Court Administrator shall file the report with the board. The report shall include, but not be limited to, (a) a copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement, (b) the public records which are the subject of the contract or proposed electronic access fee, (c) the anticipated or actual timeline for implementation, and (d) any security provisions for the protection of confidential or sensitive records. The board may request a presentation or such other information as it deems necessary. The courts shall take into consideration any recommendation made by the board with respect to such fees.

(4) Courts may charge a fee for electronic access to public records for a one-time sale in a unique format without providing a report to the board as required under subsection (3) of this section.".

2. Amend the operative date and repealer sections so that the section added by this amendment becomes operative three calendar months after the adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

The Bromm amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Coordsen amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

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

Mrs. Hillman renewed her pending amendment, AM3844, found on page 1134.

The Hillman amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Hillman offered the following amendment:
AM3895

(Amendments to E & R amendments, AM7232)

1. On page 7, line 23; and page 9, line 14, after the semicolon insert the following new subdivisions:

"(f) Encourage involvement and actively seek input from all interested parties in carrying out its responsibilities;

(g) Encourage partnerships among public, private, and nonprofit entities and among both users and providers of information technology services;".

2. On page 7, line 24; and page 9, line 15, strike "(f)" and insert "(h)".

3. On page 11, line 1, after the semicolon insert the following new subdivisions:

"(6) Encourage involvement and actively seek input from all interested parties in carrying out its responsibilities;

(7) Encourage partnerships among public, private, and nonprofit entities, and among both users and providers of information technology services;"; and in line 2 strike "(6)" and insert "(8)".

4. On page 14, line 15, after "review" insert "in accordance with the following policy objectives"; in line 17 after the period insert "It shall be the policy of the state to:

(a) Use information technology in education, communities, including health care and economic development, and every level of government service to improve economic opportunities and quality of life for all Nebraskans regardless of location or income;

(b) Stimulate the demand to encourage and enable long-term infrastructure innovation and improvement; and

(c) Organize technology planning in new ways to aggregate demand, reduce costs, and create support networks; encourage collaboration between communities of interest; and encourage competition among technology and service providers."; in line 20 after "(a)" insert "The vision has been realized and short-term and long-term strategies have been articulated and employed;

(b)"; in line 21 after "been" insert "articulated and"; in line 23 strike "(b)" and insert "(c)"; and strike lines 26 and 27 and insert the following new subdivision:

"(d) A clearinghouse of information has been established, maintained, and utilized of Nebraska's information technology infrastructure and of activities taking place in the state involving information technology, and that the information flow between and among individuals and organizations has been facilitated as a result of the clearinghouse;".

5. On page 15, strike line 1; in line 2 strike "(d)" and insert "(e)"; in line 3 after "been" insert "developed and" and strike "and"; in line 4 strike "(e)" and insert "(f)"; and in line 6 after "decisions" insert ";

(g) Input and involvement of all interested parties has

been encouraged and facilitated;

(h) Long-term infrastructure innovation, improvement, and coordination has been planned for, facilitated, and achieved with minimal barriers and impediments".

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Messrs. Wehrbein and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hillman asked unanimous consent to replace her pending amendment, AM3895, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mrs. Hillman withdrew her amendment, AM3895, found in this day's Journal.

Mr. Bromm offered the following substitute amendment:
AM3944

(Amendments to E & R amendments, AM7232)

1. Insert the following new section:

"Sec. 7. The commission shall implement the provisions of sections 1 to 18 of this act in accordance with the policy objectives described in sections 1, 2, and 6 of this act and with the following goals:

(1) Ensuring that all Nebraskans have affordable access to an integrated telecommunications infrastructure and information technology that provides voice, data, and image information services;

(2) Ensuring that rural and urban Nebraskans have affordable access and adequate support to make effective use of voice, data, and image information services for meeting their economic and quality-of-life aspirations;

(3) Expanding access to lifelong educational and training opportunities so that Nebraska's citizens and work force can function in the emerging information society;

(4) Stimulating and supporting information-based economic development that improves economic opportunity; and

(5) Expanding citizen access to government information.".

2. On page 7, line 23; and page 9, line 14, after the semicolon insert the following new subdivisions:

"(f) Encourage involvement and actively seek input from all interested parties in carrying out its responsibilities;

(g) Encourage partnerships among public, private, and nonprofit entities and among both users and providers of information technology services;".

3. On page 7, line 24; and page 9, line 15, strike "(f)" and insert "(h)".

4. On page 11, line 1, after the semicolon insert the following new subdivisions:

"(6) Encourage involvement and actively seek input from all interested parties in carrying out its responsibilities;

(7) Encourage partnerships among public, private, and nonprofit entities, and among both users and providers of information technology services;"; and in line 2 strike "(6)" and insert "(8)".

5. On page 14, line 15, after "review" insert "in accordance with the following policy objectives"; in line 17 after the period insert "It shall be the policy of the state to:

(a) Use information technology in education, communities, including health care and economic development, and every level of government service to improve economic opportunities and quality of life for all Nebraskans regardless of location or income;

(b) Stimulate the demand to encourage and enable long-term infrastructure innovation and improvement; and

(c) Organize technology planning in new ways to aggregate demand, reduce costs, and create support networks; encourage collaboration between communities of interest; and encourage competition among technology and service providers."; in line 20 after "(a)" insert "The vision has been realized and short-term and long-term strategies have been articulated and employed;

(b)"; in line 21 after "been" insert "articulated and"; in line 23 strike "(b)" and insert "(c)"; and strike lines 26 and 27 and insert the following new subdivision:

"(d) A clearinghouse of information has been established, maintained, and utilized of Nebraska's information technology infrastructure and of activities taking place in the state involving information technology, and that the information flow between and among individuals and organizations has been facilitated as a result of the clearinghouse;".

6. On page 15, strike line 1; in line 2 strike "(d)" and insert "(e)"; in line 3 after "been" insert "developed and" and strike "and"; in line 4 strike "(e)" and insert "(f)"; and in line 6 after "decisions" insert ";

(g) Input and involvement of all interested parties has been encouraged and facilitated; and

(h) Long-term infrastructure innovation, improvement, and coordination has been planned for, facilitated, and achieved with minimal barriers and impediments".

7. Renumber the remaining sections and correct internal references accordingly.

Messrs. Schmitt and Engel asked unanimous consent to be excused. No objections. So ordered.

Mrs. Hillman offered the following amendment to the Bromm pending amendment:

FA608
Amend AM3944
by striking on pg 1, all of lines 6 through 13.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

The Hillman amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Pending.

**AMENDMENTS - Print in Journal**

Mrs. Hillman filed the following amendment to LB 924:
AM3896

(Amendments to E & R amendments, AM7232)

1. On page 1, line 18, strike "To" and insert "The Legislature intends that sections 1 to 17 of this act apply to and".

Mrs. Hillman filed the following amendment to LB 924:
AM3931

(Amendments to E & R amendments, AM7232)

1. Insert the following new section:

"Sec. 48. It is the intent of the Legislature that any funds appropriated pursuant to the intent of section 3, Legislative Bill 1110, Ninety-fifth Legislature, Second Session, 1998, for technology-related projects or technology initiatives undertaken by an educational service unit follow the review process established in sections 1 to 17 of this act, including the review and prioritization by the education council, review by the technical panel, and review and prioritization by the Nebraska Information Technology Commission.".

2. Renumber the remaining section accordingly.

Mr. Beutler filed the following amendment to LB 924:
AM3933

(Amendments to E & R amendments, AM7232)

1. On page 13, line 13, after "granted" insert "to public entities or for the public entity's share of public-private partnerships".

2. On page 56, after line 15, insert the following new subsection:

"(5) A trained employee, in exchange for the training,

shall agree to at least three years of continued state employment after completion of the program and shall repay a prorated amount of the training cost if state employment is voluntarily discontinued prior to three years. The prorated amount shall equal one thirty-sixth of the training cost for each month of state employment less than three years.".

Mr. Bromm filed the following amendment to LB 924:
AM3922

(Amendments to E & R amendments, AM7232)

1. On page 1, after line 13 insert "The state must have a process to evaluate and coordinate requests for state funding of information technology and the development of the telecommunications infrastructure.".

2. On page 4, line 12; page 7, line 9; and page 8, line 27, after "shall" insert ", with respect to projects which receive state appropriations for information technology purposes".

Mr. Bromm filed the following amendment to LB 924:
AM3903

(Amendments to E & R amendments, AM7232)

1. Strike sections 8 to 11 and 21 to 23 and all amendments thereto.

2. On page 3, strike beginning with the first comma in line 5 through the last comma in line 6.

3. On page 5, line 7, after "topics" insert ", including work groups for education, local communities, and state agencies"; in line 12 after the semicolon insert "and"; and strike beginning with the semicolon in line 14 through "Cabinet" in line 18.

4. On page 11, strike beginning with "Provide" in line 11 through "(2)" in line 13; strike beginning with line 17 through "(4)" in line 21 and insert "(2)"; in line 24 strike "(5)" and insert "(3)"; and strike "(6)" and insert "(4)".

5. On page 12, line 2, strike "(7)" and insert "(5)"; in line 5 strike "(8)" and insert "(6)"; in line 9 strike "(9)" and insert "(7)"; in line 16 strike "(10)" and insert "(8)"; in line 18 strike "(11)" and insert "(9)"; and in line 20 strike "(12)" and insert "(10)".

6. On page 13, strike beginning with "recommended" in line 3 through "Cabinet" in line 5; strike beginning with "commission" in line 8 through "Cabinet" in line 9 and insert "Nebraska Information Technology Commission"; strike beginning with "based" in line 13 through "council" in line 14; in line 18 strike "community council and"; and strike beginning with "based" in line 26 through "Cabinet" in line 27.

7. On page 14, line 4, strike "cabinet and"; strike beginning with "The" in line 20 through "(b)" in line 23; and in line 26 strike "(c)" and insert "(b)".

8. On page 15, line 2, strike "(d)" and insert "(c)"; in

line 4 strike "(e)" and insert "(d)"; and strike beginning with "Information" in line 15 through "and" in line 16.

9. On page 28, line 25, strike "and" through "act".

10. On page 59, line 6; and page 62, lines 5 and 6, strike "Information Resources Cabinet and the".

11. On page 64, line 16, strike "79-1233, 79-1304,"; and in line 21 strike "79-1301,".

12. Renumber the remaining sections and correct internal references accordingly.

Mr. Bromm filed the following amendment to LB 924:
AM3902

(Amendments to E & R amendments, AM7232)

1. On page 2, line 20, after "Legislature" insert "shall follow the procedures established by sections 1 to 17 of this act, but"; in line 21 after "of" insert "such"; and in line 22 strike "1 to 17 of this act".

Mr. Bromm filed the following amendment to LB 924:
AM3901

(Amendments to E & R amendments, AM7232)

1. On page 2, strike beginning with "(1)" in line 10 through "(2)" in line 18.

Messrs. Wesely, Jensen, Tyson, Matzke, Dierks, Mmes. Suttle, Bohlke, Thompson, and Ms. Schimek filed the following amendment to LB 1354:
AM3957

(Amendments to Standing Committee amendments, AM3466)

1. Strike sections 1 to 4 and all amendments thereto and insert the following new sections:

"Section 1. It is the intent of the Legislature to ensure that the level of care provided at the regional centers is maintained at a sufficient level to effectively serve persons with mental illness or addiction to alcohol or a controlled substance in need of services as long as the demand for such services exist. It is the further intent of the Legislature to ensure existing regional center services are maintained until such services have been developed and are available at the community level to provide needed care and support to all persons with mental illness or addiction to alcohol or a controlled substance who are appropriate for care in a community-based, less restrictive setting. This will allow the regional centers to transition current psychosocial rehabilitation levels of care to the community and assume the appropriate role of providing inpatient hospital care and secure residential services within a full continuum of behavioral health services.

Sec. 2. The Governor shall appoint a task force to examine the delivery of services to persons with mental illness or addiction to alcohol or a controlled substance, including, but not

limited to, the appropriate setting, financing, and delivery of such services. The task force shall include one member each representing the Department of Health and Human Services, a private mental health provider, consumers of services or their family members, a mental health advocacy organization, and regional center employees; two members from the mental health regions; and four at-large members. The Department of Health and Human Services shall provide necessary staff support to the task force. The task force shall issue a report of its findings and recommendations to the Governor, the Clerk of the Legislature, and the Chairperson of the Health and Human Services Committee of the Legislature after November 15, 1998, and no later than December 15, 1998.

Sec. 3. Any person who does not meet criteria for inpatient or secure residential level of care or any person who is discharge-ready from a regional center shall be referred to and have priority status for receiving immediate appropriate public behavioral health community-based services.

Sec. 4. On or after July 1, 1998, and at such time as the utilization of available community-based services, including the development and use of state-operated, community-level services by the Department of Health and Human Services where such services would not otherwise be provided, has sufficiently reduced the demand for regional center services to the point that the services may be offered at a reduced level, the Department of Health and Human Services, before reducing such services, shall issue a report to the Governor, the Clerk of the Legislature, and the Chairperson of the Health and Human Services Committee of the Legislature. The report shall identify the community services involved and certify that such services possess sufficient capacity and capability to effectively replace the service needs which otherwise would have been provided at a regional center. The report will be issued no later than thirty days prior to any action taken to reduce any regional center service.

Sec. 5. As behavioral health services are transitioned from regional centers to community services and new institutional services, state regional center employees shall have the opportunity to continue as state employees to deliver replacement services in the state behavioral health system. The Department of Health and Human Services shall provide to these employees the training and support necessary to transition into new state positions in the state behavioral health system.".

2. Amend the operative date section so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 345.** Introduced by Willhoft, 34.

WHEREAS, the Sandy Creek High School girls' basketball team, coached by Russ Ninemire, is the Class C-2 Girls' State Basketball Champion; and

WHEREAS, the Sandy Creek Lady Cougars completed a 27-0 season and have a 96-5 record over the last four seasons; and

WHEREAS, the Sandy Creek Lady Cougars claimed their third straight C-2 title; and

WHEREAS, it was their eighth straight trip to the girls' state high school basketball tournament.

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

1. That the Legislature extends its congratulations to the Sandy Creek High School girls' basketball team and their coach, Russ Ninemire.

2. That a copy of this resolution be sent to Sandy Creek High School.

Laid over.

## STANDING COMMITTEE REPORT
### Education

**LEGISLATIVE BILL 1217.** Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

## UNANIMOUS CONSENT - Add Cointroducer

Mr. Raikes asked unanimous consent to have his name added as cointroducer to LB 611. No objections. So ordered.

## WITHDRAW - Cointroducer

Mr. Will withdrew his name as cointroducer to LB 1099.

## VISITORS

Visitors to the Chamber were 48 fourth grade students and teachers from Pierce Elementary School; and Senator Hillman's daughter and son-in-law, Shari and Allan Johnston, and grandson, Brian, from Gering.

The Doctor of the Day was Leon Books from Broken Bow.

## ADJOURNMENT

At 6:01 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Friday, March 20, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# LEGISLATIVE JOURNAL

# OF THE

# STATE OF NEBRASKA

## Volume 2

**NINETY-FIFTH LEGISLATURE**
**SECOND SESSION**

**1998**

**Convened January 7, 1998** **Adjourned April 14, 1998**

**LINCOLN, NEBRASKA**

**Compiled**

**Under the Authority of the Legislature**

**by**

**PATRICK J. O'DONNELL, CLERK**

# FORTY-SEVENTH DAY – MARCH 20, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 20, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Barbara Hart, Fairview United Methodist Church, Central City and Zion United Methodist Church, Archer, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Brashear who was excused; and Messrs. Abboud, Beutler, Coordsen, Cudaback, Engel, Dw. Pedersen, Schmitt, Tyson, Will, Mmes. Bohlke, Hillman, and Kiel who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 19, 1998, 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 & Associates
Cutshall, Bruce A. - Lincoln; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA) (Withdrawn 03/19/1998)
Lombardi-Erickson/American Communications Group
Lombardi, Richard A. - Lincoln; Save the Old Market Committee of the Old Market Residents, Neighbors & Friends Association
Morrissey, Spencer - Tecumseh; Brotherhood of Maintenance of Way Employees

Radcliffe and Associates
Radcliffe, Walter H. - Lincoln; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA) (Withdrawn 03/19/1998)
Scudder, Mark A. - Lincoln; UMB Bank, n.a.

## MESSAGE FROM THE GOVERNOR

March 19, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Child Abuse Prevention Fund Board:

APPOINTEES:
Jack L. Price, 1420 West Williams Avenue, North Platte, NE 69001
Kevin F. Benesch, 2337 Ryons Street, Lincoln, NE 68502
Jane Storey, 1678 Woodsview, Lincoln, NE 68502
Peter Tulipana, 1604 South 154th Street, Omaha, NE 68144

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## GENERAL FILE

**LEGISLATIVE BILL 1073A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 1120A.** Title read. Considered.

Mr. Wickersham renewed his pending amendment, AM3837, found on page 1133.

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 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 1193A.** 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.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 234.**

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-311, 25-320, 25-701, 25-1227, 25-1330, 25-21,159, and 25-21,180, Reissue Revised Statutes of Nebraska, and section 25-2704, Revised Statutes Supplement, 1997; to change and eliminate provisions relating to joinder; to authorize county courts to compel attendance of witnesses; to change pleading procedure in county courts; to provide for and eliminate provisions regarding setting aside default judgments; to change summary judgment procedure; to eliminate notice to the Attorney General regarding a declaratory judgment on the validity of a municipal ordinance or franchise; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-317, 25-702, and 25-2720, 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Jones | Preister | Suttle |
| Bromm | Engel | Landis | Raikes | Thompson |
| Brown | Hartnett | Lynch | Robak | Vrtiska |
| Bruning | Hilgert | Matzke | Robinson | Wehrbein |
| Coordsen | Hillman | Maurstad | Schellpeper | Wesely |
| Crosby | Hudkins | Pedersen, Dw. | Schmitt | Wickersham |
| Cudaback | Janssen | Pederson, D. | Schrock | Willhoft |
| Dierks | Jensen | Peterson, C. | Stuhr | Witek |

Voting in the negative, 1:

Kristensen

Present and not voting, 2:

Chambers Schimek

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Kiel | Tyson | Will |
| Bohlke | | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 611.**

A BILL FOR AN ACT relating to municipal corporate limits; to amend sections 14-117 and 18-1716, Reissue Revised Statutes of Nebraska, and section 77-1344, Revised Statutes Supplement, 1997; to change provisions relating to annexation, special valuation, and regulation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kristensen | Preister | Suttle |
| Bromm | Engel | Landis | Raikes | Thompson |
| Bruning | Hartnett | Lynch | Robak | Vrtiska |
| Chambers | Hilgert | Matzke | Robinson | Wehrbein |
| Coordsen | Hillman | Maurstad | Schmitt | Wesely |
| Crosby | Hudkins | Pedersen, Dw. | Schrock | Willhoft |
| Cudaback | Janssen | Pederson, D. | Stuhr | Witek |
| Dierks | Jones | Peterson, C. | | |

Voting in the negative, 4:

| | | | |
|---|---|---|---|
| Brown | Jensen | Schellpeper | Wickersham |

Present and not voting, 1:

Schimek

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Kiel | Tyson | Will |
| Bohlke | | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 988.**

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1997; to provide for a transfer 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, 41:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Kristensen | Preister | Suttle |
| Bromm | Hartnett | Landis | Raikes | Thompson |
| Brown | Hilgert | Lynch | Robak | Vrtiska |
| Bruning | Hillman | Matzke | Robinson | Wehrbein |
| Coordsen | Hudkins | Maurstad | Schellpeper | Wesely |
| Crosby | Janssen | Pedersen, Dw. | Schmitt | Wickersham |
| Cudaback | Jensen | Pederson, D. | Schrock | Willhoft |
| Dierks | Jones | Peterson, C. | Stuhr | Witek |
| Elmer | | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Schimek

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Kiel | Tyson | Will |
| Bohlke | | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1180.**

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1123, Reissue Revised Statutes of Nebraska; to provide an additional exception to the registration requirements; to reject the federal provisions on registration as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Jones | Peterson, C. | Stuhr |
| Bromm | Engel | Kristensen | Preister | Suttle |
| Brown | Hartnett | Landis | Raikes | Thompson |
| Bruning | Hilgert | Lynch | Robak | Vrtiska |
| Coordsen | Hillman | Matzke | Robinson | Wehrbein |
| Crosby | Hudkins | Maurstad | Schellpeper | Wesely |
| Cudaback | Janssen | Pedersen, Dw. | Schmitt | Wickersham |
| Dierks | Jensen | Pederson, D. | Schrock | Willhoft |

Witek

Voting in the negative, 0.

Present and not voting, 2:

Chambers Schimek

Excused and not voting, 6:

Abboud Brashear Kiel Tyson Will
Bohlke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## MOTION - Return LB 1056 to Select File

Mrs. Crosby moved to return LB 1056 to Select File for the following specific amendment:
AM3966

1. Insert the following new section:

"Sec. 7. Section 75-126, Reissue Revised Statutes of Nebraska, is amended to read:

75-126. (1) Except as otherwise provided in this section, no common carrier shall:

(a) Charge, demand, collect, or receive from any person a greater or lesser compensation for any services rendered than it charges, demands, collects, or receives from any other person for doing a like or contemporaneous service;

(b) Make or give any undue or unreasonable preference or advantage to any particular person;

(c) Subject any type of traffic to any undue or unreasonable prejudice, delay, or disadvantage in any respect whatsoever;

(d) Charge or receive any greater compensation in the aggregate for the transportation of a like kind of property or passengers for a shorter than for a longer distance over the same line or route, except as the commission may prescribe in special cases to prevent manifest injuries, except that no manifest injustice shall be imposed upon any person at intermediate points. This section shall not prevent the commission from making group or emergency rates;

(e) Demand, charge, or collect, by any device whatsoever, a lesser or greater compensation for any service rendered than that filed with or prescribed by the commission; or

(f) Change any rate, schedule, or classification in any manner whatsoever before application has been made to the commission and permission granted for that purpose, except as

otherwise provided in section 75-128.

(2) This section shall not prohibit any common carrier from, and a common carrier shall not be subject to any fine, penalty, or forfeiture for, performing services free or at reduced rates to:

(a) The United States, the State of Nebraska, or any governmental subdivision thereof;

(b) The employees, both present and retired, of such common carrier;

(c) Any person when the object is to provide relief in case of any disaster;

(d) Any person who transports property for charitable purposes; ~~or~~

(e) Ministers and others giving their entire time to religious or charitable work; or

(f) Any person who is legally blind or visually handicapped.".

2. On page 1, strike "and 66-1401" in line 2 and insert ", 66-1401, and 75-126"; and in line 11 after the first semicolon insert "to provide for certain common carrier services to be performed free or at a reduced rate;".

3. On page 17, line 13, strike "and 66-1401" and insert ", 66-1401, and 75-126".

4. Renumber the remaining sections accordingly.

The Crosby motion to return prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 1056.** The Crosby specific amendment, AM3966, found in this day's Journal, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 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 234, 611, 988, and 1180.

## SELECT FILE

**LEGISLATIVE BILL 1108.** Messrs. Beutler and Wesely renewed their pending amendment, AM3932, found on page 1188.

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

Mr. Maurstad offered the following amendment to the Beutler-Wesely pending amendment:
FA610
Amend AM3932
on line 13 delete "or repair"

The Maurstad amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**MR. COORDSEN PRESIDING**

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

Mr. Beutler requested a record vote on the Beutler-Wesely amendment, as amended.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Lynch | Raikes | Wesely |
| Chambers | Landis | Preister | Schimek | Will |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Jones | Schellpeper | Thompson |
| Bohlke | Hudkins | Kristensen | Schmitt | Willhoft |
| Bruning | Janssen | Pedersen, Dw. | Stuhr | Witek |
| Coordsen | Jensen | Peterson, C. | Suttle | |

Present and not voting, 18:

| | | | | |
|---|---|---|---|---|
| Bromm | Engel | Kiel | Robinson | Vrtiska |
| Brown | Hartnett | Matzke | Schrock | Wehrbein |
| Cudaback | Hilgert | Pederson, D. | Tyson | Wickersham |
| Elmer | Hillman | Robak | | |

Excused and not voting, 2:

Brashear Maurstad

The Beutler-Wesely amendment, as amended, lost with 10 ayes, 19 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Wehrbein withdrew his amendment, AM3943, found on page 1188.

Mr. Wehrbein offered the following amendment:
AM3961
1. In the Standing Committee amendments, AM3432, on page 31, line 7, strike "28,417,452" and insert "28,505,448"; in line 9

strike "70,306,587" and insert "70,394,583"; in line 22 strike "21,298,144" and insert "21,210,148"; and in line 24 strike "68,984,772" and insert "68,896,776".

2. In the Wesely amendment, AM3759, on page 1, after line 8, insert "SALARY LIMIT -0- 95,344".

The Wehrbein amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**SPEAKER KRISTENSEN PRESIDING**

Pending.

## ANNOUNCEMENT

The Chair announced tomorrow is Senator Schimek's birthday.

## SELECT FILE

**LEGISLATIVE BILL 1108.** Mrs. Thompson offered the following amendment:
FA611
Amend AM3432
On page 24, lines 2 and 3, strike "13,834,866" and insert "13,895,048"; and in line 4 strike "10,476,568" and insert "10,522,750".

Mr. Wickersham 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. Thompson moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mrs. Thompson requested a roll call vote on her amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Matzke | Schellpeper | Vrtiska |
| Bohlke | Hudkins | Pedersen, Dw. | Schmitt | Wesely |
| Cudaback | Janssen | Preister | Suttle | Willhoft |
| Dierks | Landis | Robak | Thompson | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Bromm | Crosby | Jones | Pederson, D. | Schrock |
| Brown | Engel | Kiel | Peterson, C. | Stuhr |
| Bruning | Hartnett | Kristensen | Raikes | Tyson |
| Chambers | Hillman | Lynch | Robinson | Wehrbein |
| Coordsen | Jensen | Maurstad | Schimek | Wickersham |

Will Witek

Present and not voting, 2:

Beutler Elmer

Excused and not voting, 1:

Brashear

The Thompson amendment lost with 19 ayes, 27 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

## AMENDMENT - Print in Journal

Messrs. Will, Hartnett, Coordsen, Wickersham, Raikes, Schellpeper, and Mrs. C. Peterson filed the following amendment to LB 1028:
AM3949

(Amendments to Standing Committee amendments, AM3654)

1. On page 1, line 17, strike "such individuals who have" and insert "returns filed reporting"; in line 18 strike "twenty-five" and insert "twenty-nine"; and strike lines 22 through 24 and insert the following new subdivision:

"(b) For returns filed reporting federal adjusted gross income of twenty-nine thousand dollars or less, a refundable credit equal to a percentage of the federal credit allowable under section 21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal tax liability. The percentage of the federal credit shall be one hundred percent for incomes not greater than twenty-two thousand dollars, and the percentage shall be reduced by ten percent for each one thousand dollars, or fraction thereof, by which the reported federal adjusted gross income exceeds twenty-two thousand dollars.".

2. On page 2, strike lines 1 through 3.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 20, 1998, at 10:00 a.m., were the following bills: LBs 234, 611, 988, and 1180.

(Signed) Carol Koranda
Clerk of the Legislature's Office

## GENERAL FILE

**LEGISLATIVE BILL 1175.** Title read. Considered.

Mr. Chambers moved to recommit to Committee.

Messrs. Landis, Hartnett, Cudaback, Hilgert, and Jensen 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 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a record vote on his motion to recommit to Committee.

Voting in the affirmative, 12:

| | | | | |
|---|---|---|---|---|
| Dierks | Kristensen | Schmitt | Tyson | Will |
| Hudkins | Robak | Stuhr | Vrtiska | Witek |
| Jones | Schellpeper | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Kiel | Pederson, D. | Suttle |
| Beutler | Elmer | Landis | Peterson, C. | Thompson |
| Bohlke | Engel | Lynch | Raikes | Wesely |
| Bruning | Hillman | Maurstad | Schimek | Wickersham |
| Coordsen | Janssen | Pedersen, Dw. | Schrock | Willhoft |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Bromm | Hartnett | Preister | Robinson | Wehrbein |
| Chambers | Matzke | | | |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brashear | Brown | Cudaback | Hilgert | Jensen |

The Chambers motion to recommit to Committee failed with 12 ayes, 25 nays, 7 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 63, 1107, 1110, and 1110A.

(Signed) Jon C. Bruning, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 346.** Introduced by Maurstad, 30.

WHEREAS, Ken Peterson, the chief executive officer of the Beatrice State Developmental Center, which is a division of the Department of Health and Human Services, passed away on March 8, 1998, from cancer at the age of 53; and

WHEREAS, Ken Peterson was born on October 2, 1944, in Omaha, Nebraska, and was graduated from Lincoln Southeast High School and the University of Nebraska; and

WHEREAS, Ken Peterson was a loving husband, a dedicated father, and a devoted family man; and

WHEREAS, Ken Peterson was in the United States Marine Corps and served in Vietnam, retiring with the rank of first lieutenant; and

WHEREAS, Ken Peterson began working at the Beatrice State Developmental Center as a psychologist in 1972, was director of programming, and was chief executive officer since 1996; and

WHEREAS, Ken Peterson lived a faithful life and served the Beatrice community as a member of many civic organizations including being an active member of Christ Community Church in Beatrice; and

WHEREAS, Ken Peterson will be remembered for his contributions to those with developmental disabilities in his work at the Beatrice State Developmental Center.

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

1. That the Legislature extends its condolences and sympathy to Ken Peterson's wife, Loretta, his daughter, Shontelle, and his son, Kenton.

2. That a copy of this resolution be sent to Ken Peterson's wife, Loretta, and his family.

Laid over.

## AMENDMENTS - Print in Journal

Mr. Vrtiska filed the following amendment to LB 1142:
AM3959

(Amendments to Standing Committee amendments, AM3776)

1. On page 4, line 15, after the semicolon insert "(k) Any increase attributable to a decision of the Tax Equalization and Review Commission;"; and in line 16 strike "(k)" and insert "(l)".

2. On page 5, line 2, after the period insert "The county treasurer shall collect from all taxing agencies within the

county, in the same proportion that the levy of each such taxing agency bears to the total of such levies of all taxing agencies in the county, an amount equal to the amount of refunds in the county under this section.".

Mr. Robinson filed the following amendment to LB 1161:
AM3787

1. Insert the following new section:

"Sec. 9. Section 81-15,162.02, Revised Statutes Supplement, 1997, is amended to read:

81-15,162.02. (1) The department shall deduct and withhold from the Scrap Tire Reduction and Recycling Incentive Fund an amount sufficient to reimburse itself for its costs of administration of the fund.

(2) The department may disburse to any person a percentage of costs incurred in cleaning up collection sites ~~existing on June 11, 1997,~~ if such cleanup is complete no later than June 1, 1999. If the application for the cleanup is ~~completed~~ submitted by August 31, 1998, the disbursement may be up to one hundred percent of the costs. The remaining cleanups under this section completed by June 1, 1999, may receive disbursements of up to seventy percent of the costs. All disbursements under this subsection are subject to availability of money in the fund.

(3) Other eligible categories of disbursement which may be made from the fund to any person who applies to the department under subsection (4) of this section are:

(a) Studies to determine economic and technical feasibility of uses of scrap tire or tire-derived scrap tire product, with disbursements of up to one hundred percent of the cost of the study, depending on factors set out in subsection (4) of this section;

(b) Reimbursement for the purchase of tire-derived products which utilize a minimum of twenty-five percent recycled tire content, with disbursements not exceeding twenty-five percent of the product's retail cost;

(c) Participation in the capital costs of buildings, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived products, with disbursements not exceeding fifty percent of the costs or five hundred thousand dollars, whichever is less;

(d) Participation in the capital costs of equipment, buildings, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not exceeding fifty percent of such costs;

(e) Cost-sharing for the manufacturing of tire-derived products, with disbursements not exceeding twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(f) Cost-sharing for the processing of scrap tires, with

disbursements not exceeding twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(g) Cost-sharing for the use of scrap tires for civil engineering applications for specified projects, with disbursements not exceeding twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually.

(4) The department shall develop an application form to be used by applicants for disbursement for cleanup costs as described in subsection (2) of this section or for disbursement of funds under subsection (3) of this section. The department shall prepare and distribute a schedule of eligible activities, conditions of funding, and application procedures, including any matching requirements, for disbursements made under this section. Decisions by the director on recipients of funding shall be made in a manner which furthers the purposes of recycling and reducing the number of scrap tires in Nebraska. In order to further the purposes of section 81-15,159.01, the director shall give preference to projects which utilize scrap tires generated in Nebraska.

(5) The director may deny any application which he or she determines (a) is not in conformance with this section, (b) does not reflect reasonable costs for the type of project proposed, (c) contains inaccurate, incomplete, or misleading information in the application, or (d) would require the expenditure of funds beyond the fund's unobligated balance or any other reason which the director determines is necessary to properly administer this section.

No disbursements may be made under this section for scrap tire processing related to tire-derived fuel. The director may provide partial funding to any applicant for any of the reasons set out in this subsection.

(6) All disbursements made under this section shall be formalized by a written agreement between the department and all recipients of the disbursement. The agreement may include, but need not be limited to, the following conditions designed to protect the fund and ensure completion of the project: (a) Mechanics of funding disbursement; (b) any bidding requirements; (c) completion timelines for any deliverables; (d) record-keeping and reporting requirements; (e) security interest and insurance requirements on equipment; (f) forfeiture and repayment of funds; and (g) other conditions necessary or desirable to carry out this section.".

2. On page 22, line 6, strike "and 66-1521" and insert ", 66-1521, and 81-15,162.02".

3. Renumber the remaining sections accordingly.

Mr. Abboud filed the following amendment to LB 1120:
AM3977

(Amendments to AM3364)

1. Insert the following new section:

"Sec. 8. Section 35-109, Revised Statutes Supplement, 1997, is amended to read:

35-109. ~~No~~ Any siren or other similar device whose primary purpose is to warn the public of a natural or manmade emergency or disaster ~~shall be~~ used to notify volunteer firefighters of a fire or to summon volunteer firefighters to a fire shall only be located in areas zoned commercial, industrial, or town center and shall not be located within five hundred feet of property zoned for single-family residential use. This section applies only to cities of the first class located within a county which contains a city of the metropolitan class.".

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 1175.** Mr. Chambers moved to reconsider the vote on the Chambers motion to recommit to Committee, found in this day's Journal.

Messrs. Will, Abboud, Bruning, Lynch, Hartnett, Janssen, Schmitt, Dw. Pedersen, Jones, Mmes. Kiel, and Witek 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 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kristensen | Preister | Suttle |
| Bohlke | Engel | Landis | Raikes | Thompson |
| Bromm | Hilgert | Matzke | Robinson | Wehrbein |
| Brown | Hillman | Maurstad | Schimek | Wesely |
| Coordsen | Hudkins | Pederson, D. | Schrock | Wickersham |
| Crosby | Jensen | Peterson, C. | Stuhr | Willhoft |
| Dierks | | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Cudaback | Schellpeper | Tyson | Vrtiska |

Absent and not voting, 1:

Robak

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Kiel | Pedersen, Dw. | Will |
| Brashear | Janssen | Lynch | Schmitt | Witek |
| Bruning | Jones | | | |

The motion to cease debate prevailed with 31 ayes, 1 nay, 4 present and not voting, 1 absent and not voting, and 12 excused and not voting.

Mr. Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 12:

| | | | | |
|---|---|---|---|---|
| Chambers | Dierks | Jensen | Schellpeper | Tyson |
| Crosby | Hilgert | Kristensen | Schmitt | Vrtiska |
| Cudaback | Hudkins | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Beutler | Landis | Raikes | Schrock | Wesely |
| Bohlke | Matzke | Robinson | Suttle | Wickersham |
| Coordsen | Pederson, D. | Schimek | Thompson | Willhoft |
| Hillman | Peterson, C. | | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Bromm | Elmer | Maurstad | Robak | Wehrbein |
| Brown | Engel | Preister | Stuhr | |

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Jones | Lynch | Will |
| Brashear | Janssen | Kiel | Pedersen, Dw. | Witek |
| Bruning | | | | |

The Chambers motion to reconsider failed with 12 ayes, 17 nays, 9 present and not voting, and 11 excused and not voting.

Mr. Chambers moved to bracket LB 1175 until April 13, 1998.

The Chair declared the call raised.

Mmes. Robak, Suttle, Messrs. Robinson, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## EASE

The Legislature was at ease from 1:44 p.m. until 1:54 p.m.

## GENERAL FILE

**LEGISLATIVE BILL 1175.** Mr. Chambers withdrew his motion, found in this day's Journal, to bracket until April 13, 1998.

**PRESIDENT ROBAK PRESIDING**

The Standing Committee amendment, AM3897, printed separately and referred to on page 1172, was considered.

Mrs. Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Bohlke 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:
FA612
Page 47, lines 21-24 - Reduces the number of Class I districts subject to the "affected district" changes.

The first Standing Committee amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Messrs. Wesely and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

The second Standing Committee amendment is as follows:
FA613
Page 48, lines 1-2 and 6-7 - Reorganization technical change - LB 940.

The second Standing Committee amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The third Standing Committee amendment is as follows:
FA620
Page 29, line 12 through page 35, line 24 - Very sparse districts - LBs 1159 and 1197.

The third Standing Committee amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The fourth Standing Committee amendment is as follows:
FA621
Page 35, line 25 through page 38, line 25 - Error correction in state aid - LBs 1210 and 1133.

Mr. Coordsen offered the following amendment to the fourth Standing Committee amendment:
AM3976
(Amendments to Standing Committee amendments, AM3897)
1. On page 37, line 12, strike "March", show as stricken, and insert "May".

The Coordsen amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The fourth Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The fifth Standing Committee amendment is as follows:
FA614
Page 49, lines 20-26 and page 50, lines 17-21 - State aid and special education payments - LB 1304.

The fifth Standing Committee amendment lost with 0 ayes, 17 nays, 21 present and not voting, and 11 excused and not voting.

The sixth Standing Committee amendment is as follows:
FA615
Page 1, line 3 through page 2, line 23 and page 38, line 26 through page 41, line 18 - Class I budgets and levies - LB 1123.

The sixth Standing Committee amendment lost with 0 ayes, 17 nays, 21 present and not voting, and 11 excused and not voting.

The seventh Standing Committee amendment is as follows:
FA616
Page 3, line 11 through page 5, line 26 and page 28, line 16 through page 29, line 11 - Modified school board policies - LBs 1344 and 1301.

The seventh Standing Committee amendment lost with 0 ayes, 17 nays, 21 present and not voting, and 11 excused and not voting.

The eighth Standing Committee amendment is as follows:
FA617
Page 5, line 27 through page 9, line 19 - Option deadlines - LB 711.

The eighth Standing Committee amendment lost with 0 ayes, 14 nays, 24 present and not voting, and 11 excused and not voting.

The ninth Standing Committee amendment is as follows:
FA618
Page 19, line 11 through page 24, line 16 - School Buses - LB 711.

The ninth Standing Committee amendment lost with 0 ayes, 16 nays, 22 present and not voting, and 11 excused and not voting.

The tenth Standing Committee amendment is as follows:
FA619
Page 24, line 17 through page 28, line 15 - Teacher Requirements - LB 711.

The tenth Standing Committee amendment lost with 0 ayes, 13 nays, 25 present and not voting, and 11 excused and not voting.

The eleventh Standing Committee amendment is as follows:
FA622
Page 41, line 19 through page 43, line 8 - Special education.

The eleventh Standing Committee amendment lost with 0 ayes, 15 nays, 23 present and not voting, and 11 excused and not voting.

The twelfth Standing Committee amendment is as follows:
FA623
Page 43, line 9 through page 44, line 3 - ESU property - LB 711.

The twelfth Standing Committee amendment lost with 0 ayes, 13 nays, 25 present and not voting, and 11 excused and not voting.

The thirteenth Standing Committee amendment is as follows:
FA624
Page 45, line 9 through page 47, line 18 - Postsecondary - LBs 1302 and 1031.

The thirteenth Standing Committee amendment lost with 0 ayes, 10 nays, 28 present and not voting, and 11 excused and not voting.

The fourteenth Standing Committee amendment is as follows:
FA625
Everything else - technical.

The fourteenth Standing Committee amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Ms. Schimek withdrew her amendment, AM3820, found on page 1087.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 2 nays, 9 present and not voting, and 12 excused and not voting.

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 1063, 1228, 1362, and LR 45CA.

### Enrollment and Review Change to LB 1063

The following changes, required to be reported for publication in the Journal, have been made:
ER9130

1. In the Brown amendment, AM3815:

a. Sections 13 and 14 have been struck.

b. Sections 1, 2, 3, 4, 5, 6, and 12 have been renumbered as sections 11, 12, 13, 14, 15, 16, and 17, respectively;

c. On page 1, lines 3 and 9 and 10; page 3, lines 9, 12, and 14; and page 6, line 11, "1 to 6" has been struck and "11 to 16" has been inserted.

d. On page 1, line 22; and page 2, line 5, "2" has been struck and "12" inserted; and

e. On page 2, lines 10 and 27, "3" has been struck and "13" inserted; and in line 11 "5" has been struck and "15" inserted.

2. In the Beutler amendment, AM3678, section 6 has been renumbered as section 10.

3. In the Brown amendment, FA595, on page 1, line 7, "children" has been struck and "child" inserted.

4. In the E & R amendments, AM7208:

a. Section 6 and all amendments thereto have been struck and the following new sections inserted:

"Sec. 18. Sections 5 to 10 and 19 of this act become operative on September 1, 1998. The other sections of this act become operative on their effective date.

Sec. 20. Original sections 44-710.01, 44-4227, 44-4235, and 71-529, Reissue Revised Statutes of Nebraska, and section 44-4221, Revised Statutes Supplement, 1997, are repealed."; and

b. On page 2, line 4; page 5, lines 13 and 15; and page 6, line 3, "act" has been struck and "section" inserted.

5. On page 1, the matter beginning with "medical" in line 1 through line 6 and all amendments thereto have been struck and "health and human services; to amend sections 44-710.01, 44-4227, 44-4235, 68-1019, 68-1020, 68-1021, 68-1037, and 71-529, Reissue Revised Statutes of Nebraska, and section 44-4221, Revised Statutes Supplement, 1997; to

change provisions relating to the Comprehensive Health Insurance Pool, medical assistance, children's health services availability, and immunization information exchanges; to create a committee; to change eligibility requirements; to change premium rates; to provide a penalty; to provide a fee; to provide powers and duties; to provide operative dates; and to repeal the original sections." inserted.

## Enrollment and Review Change to LB 1228

The following changes, required to be reported for publication in the Journal, have been made:
ER9132

1. Because of the adoption of the Bromm amendment, AM3900, in the Bromm amendment, FA604, amendment 1 has been struck.
2. In the Bohlke amendment, AM3862, on page 1, line 18, "the first" has been inserted after "after".
3. In the Bohlke amendment, FA602, on page 1, line 5, "insert" has been inserted after the second "and"; and in line 12 "and 7" has been struck and ", 7, and 15" inserted.
4. On page 1, line 3, "to provide for funding; to provide duties for the Excellence in Education Council;" has been inserted after the first semicolon.

## Enrollment and Review Change to LB 1362

The following changes, required to be reported for publication in the Journal, have been made:
ER9133

1. In the Standing Committee amendment, AM3516, on page 1, line 1, "3, after line 18" has been struck and "2, after line 8" inserted; and in line 12 the first "in" has been struck and "; and on page 3," inserted.

## Enrollment and Review Change to LR 45CA

The following changes, required to be reported for publication in the Journal, have been made:
ER9134

1. In the E & R amendments, AM7213, on page 14, line 2, "such" has been struck and "not used for authorized public purposes" has been inserted after "property".

(Signed) Jon C. Bruning, Chairperson

## AMENDMENTS - Print in Journal

Messrs. Bruning and Schrock filed the following amendment to LB 1209:
AM3987

(Amendments to Standing Committee amendments, AM3967)

1. On page 5, line 18, strike "fifty" and insert "twenty-five"; in line 19 strike "one hundred" and insert "fifty"; in line 21 strike "fifty"; and in line 23 after "operational" insert "on or".

2. On page 7, line 9, strike "three" and insert "one"; in line 10 strike "eight hundred" and insert "two hundred fifty"; and in line 11 strike "five hundred".

3. On page 10, line 26, strike "resource" and insert "resources".

Messrs. Bruning and Schrock filed the following amendment to LB 1209:
AM3989

(Amendments to Standing Committee amendments, AM3967)

1. On page 5, line 18, strike "fifty" and insert "twenty-five"; in line 19 strike "one hundred" and insert "fifty"; in line 21 strike "fifty"; and in line 23 after "operational" insert "on or".

2. On page 7, line 9, strike "three hundred" and insert "fifty"; in line 10 strike "eight" and insert "one"; and in line 11 strike "one thousand".

3. On page 10, line 26, strike "resource" and insert "resources".

Mr. Chambers filed the following amendment to LB 752A:
AM3988

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 75-104, Reissue Revised Statutes of Nebraska, is amended to read:

75-104. Until January 7, 1999, the ~~The~~ salary of each commissioner shall be forty-two thousand dollars. Commencing January 7, 1999, the annual salary of each commissioner shall be fifty thousand dollars. Each commissioner shall be entitled to receive from the state his or her mileage expenses incurred while traveling in the line of duty to and from his or her residence to the office of the Public Service Commission in Lincoln pursuant to the following conditions:

(1) The Public Service Commission has adopted and promulgated rules and regulations establishing guidelines for allowable reimbursement of such mileage expenses, except that such mileage rate shall not exceed the mileage rate established by the Department of Administrative Services pursuant to section 81-1176;

(2) The request for such reimbursement falls within such guidelines; and

(3) The total amounts authorized for such reimbursement of mileage expenses in any fiscal year does not cause the total expenses to exceed the total funds appropriated to the program established for commissioners' expenses. In addition thereto, the commissioners, executive director, clerks, and other employees of

the commission shall be entitled to receive from the state their actual necessary traveling expenses, including the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other requests for payment or reimbursement from the state. In computing the cost of transportation for the commissioners, executive director, clerks, and other employees, no mileage or other traveling expense shall be requested or allowed unless sections 81-1174 to 81-1177 are strictly complied with.

Sec. 2. Section 84-101.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-101.01. Until January 7, 1999, the ~~The~~ Governor shall receive an annual salary of ~~fifty-eight~~ sixty-five thousand dollars. Commencing January ~~3, 1991~~ 7, 1999, the annual salary of the Governor shall be ~~sixty-five~~ eighty-five thousand dollars. Such salary shall be payable in equal monthly installments.

Sec. 3. Section 84-201.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-201.01. Until January 7, 1999, the ~~The~~ Attorney General shall receive an annual salary of ~~fifty-seven~~ sixty-four thousand five hundred dollars. Commencing January ~~3, 1991~~ 7, 1999, the annual salary of the Attorney General shall be ~~sixty-four thousand five hundred~~ seventy-five thousand dollars. The salary of the Attorney General shall be payable in equal monthly installments.

Sec. 4. Section 84-721, Reissue Revised Statutes of Nebraska, is amended to read:

84-721. ~~There shall be paid as salaries to certain constitutional officers as follows: Secretary of State, the sum of forty thousand dollars per annum; Auditor of Public Accounts, the sum of thirty-five thousand dollars per annum; State Treasurer, the sum of thirty-five thousand dollars per annum; and Lieutenant Governor, the sum of forty thousand dollars per annum. Commencing~~ Until January ~~3, 1991~~ 7, 1999, there shall be paid as salaries to certain constitutional officers as follows: Secretary of State, the sum of fifty-two thousand dollars per year; Auditor of Public Accounts, the sum of forty-nine thousand five hundred dollars per year; State Treasurer, the sum of forty-nine thousand five hundred dollars per year; and Lieutenant Governor, the sum of forty-seven thousand dollars per year. Commencing January 7, 1999, there shall be paid as salaries to certain constitutional officers as follows: Secretary of State, the sum of sixty-five thousand dollars per year; Auditor of Public Accounts, the sum of sixty thousand dollars per year; State Treasurer, the sum of sixty thousand dollars per year; and Lieutenant Governor, the sum of sixty thousand dollars per year. Such salaries shall be payable in equal monthly installments.

Sec. 5. There is hereby appropriated $10,000 from the General Fund for FY1998-99 to the Governor, for Program 2, to aid

in carrying out the provisions of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $10,000 for FY1998-99.

Sec. 6. There is hereby appropriated $6,500 from the General Fund for FY1998-99 to the Lieutenant Governor, for Program 8, to aid in carrying out the provisions of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $6,500 for FY1998-99.

Sec. 7. There is hereby appropriated $6,500 from the General Fund for FY1998-99 to the Secretary of State, for Program 9, to aid in carrying out the provisions of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $6,500 for FY1998-99.

Sec. 8. There is hereby appropriated $5,250 from the General Fund for FY1998-99 to the Auditor of Public Accounts, for Program 10, to aid in carrying out the provisions of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $5,250 for FY1998-99.

Sec. 9. There is hereby appropriated $5,250 from the General Fund for FY1998-99 to the Attorney General, for Program 11, to aid in carrying out the provisions of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $5,250 for FY1998-99.

Sec. 10. There is hereby appropriated $5,250 from the General Fund for FY1998-99 to the State Treasurer, for Program 12, to aid in carrying out the provisions of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $5,250 for FY1998-99.

Sec. 11. There is hereby appropriated $20,000 from the General Fund for FY1998-99 to the Public Service Commission, for Program 14, to aid in carrying out the provisions of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $20,000 for FY1998-99.

Sec. 12. Original sections 75-104, 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska, are repealed.".

Ms. Schimek filed the following amendment to LB 1175:
AM3973

1. Insert the following new section:

"Sec. 8. Section 79-214, Reissue Revised Statutes of Nebraska, is amended to read:

79-214. (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 in the current school year, ~~or~~ (b) the family anticipates a relocation to another jurisdiction that would allow admission 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.".

2. Amend the operative date and repealer sections so that section 8 added by this amendment becomes operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Wesely filed the following amendment to LB 1070:
AM3993

(Amendments to E & R amendments, AM7221)

1. On page 3, lines 2, 4, 15, and 17, strike "loans" and insert "loan guarantees".

2. On page 5, lines 1 and 13, before "loans" insert "make guarantees of"; in line 9 strike "loans" and insert "loan guarantees"; in lines 16, 19, and 25 after "loan" insert "guarantee"; and in line 24 strike "loans" and insert "making loan guarantees".

3. On page 6, line 13, strike "or loan"; in line 14 after "awarded" insert "or loan guarantee made"; and in lines 23 and 25 after "loan" insert "guarantee".

4. On page 7, lines 3, 9, and 13, strike "loans" and insert "loan guarantees"; in line 10 strike "loans" and insert "make loan guarantees"; in lines 23 and 26 strike "or loans" and after "awarded" insert "or loan guarantees made"; and in line 27 after "loan" insert "guarantee".

5. On page 8, line 3, strike "are awarded" and insert "receive" and strike "loans" and insert "loan guarantees"; in line 14 strike "loans" and insert "making loan guarantees"; in line 17 strike "community"; in line 18 strike "and" and insert an underscored comma; and strike line 19 and insert "health measures, and environmental health, assessment, and assurance, including services for".

6. On page 9, line 3, strike "and"; and in line 6 after "transmission" insert ", and (g) awarding grants for the development and expansion of community-based aging services designed to promote the independent living status of and delay institutional care for elderly persons, including, but not limited to, personal care, respite care, homemaker care, and chore and transportation services".

7. On page 10, line 5, strike "loans" and insert "make loan guarantees"; and in line 16 strike "or loans" and after "awarded" insert "or loan guarantees to be made".

8. On page 11, line 8, after "(g)" insert "laboratory equipment to enable the Department of Health and Human Services Regulation and Licensure to carry out its powers and duties relating to laboratory services, (h)"; in line 9 strike "(h)" and insert "(i)"; in line 13 strike "loans" and insert "loan guarantees"; and in line 14 strike "loans" and insert "make loan guarantees".

9. On page 13, line 9, strike "loans" and insert "making loan guarantees".

## VISITORS

Visitors to the Chamber were Girl Scouts from the western part of Nebraska; 4 fourth, sixth, and seventh grade students and teacher from District 34, Brownville; 25 members of Leadership Columbus from Columbus; Jim LaMaster from Gothenburg; 15 fourth grade students and teacher from Central Christian School, Omaha; first grade students and teachers from Eastridge Elementary School, Lincoln; Senator Schellpeper's son, Tom, and daughter-in-law, DaNita, and granddaughters, Sydney and Courtney, from Stanton; 14 fourth grade students and teacher from St. Paul's Lutheran School, Beatrice; Conny and Lynn Herdt from Scottsbluff; Vicki, Doug, Kelsea, and Cera-Rose Hughes from Lincoln; and Mary Jo, Sydney, and Trevor Veskrna from Blair.

## ADJOURNMENT

At 2:35 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Monday, March 23, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FORTY-EIGHTH DAY – MARCH 23, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 23, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

### PRAYER

The prayer was offered by Sister Ann, Marion Sisters at Marion Motherhouse, Waverly, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Cudaback, Dierks, Elmer, Engel, Landis, Matzke, Dw. Pedersen, Preister, Schrock, Wehrbein, Wesely, Wickersham, Will, Mmes. Bohlke, and Kiel who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

### MESSAGE FROM THE GOVERNOR

March 20, 1998

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

Dear Madam President, Speaker Kristensen, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Arts Council:

APPOINTEES:
Kam-Ching Leung, 1935 B Street, Lincoln, NE 68502

Cinda S. Orr, 1708 West 35th Street, Kearney, NE 68847
Thomas C. Woods III, 128 No. 13th #1007, Lincoln, NE 68508
Sharee Newman, 112 So. 92nd Street, Omaha, NE 68114
Sharon Marvin, 1330 South 79th Street, Omaha, NE 68124

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tw

## RESOLUTION

**LEGISLATIVE RESOLUTION 337.** Read. Considered.

LR 337 was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

## MOTION - Approve Appointments

Mr. Bromm moved the adoption of the report of the Transportation Committee for the following appointments found on page 1173: James A. Travalik - Motor Carrier Advisory Council; Stephan Budke, R. James Campbell, Charles T. Grimsley, and Mardy McCullough - Motor Vehicle Industry Licensing Board; Mark J. Dorcey - NE Board of Public Roads Classifications and Standards; and John Rebensdorf, Frank E. Landis, Carl Larsen, and Gary Rasmussen - NE Railway Council.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Bromm | Hillman | Lynch | Schellpeper | Thompson |
| Bruning | Janssen | Maurstad | Schimek | Vrtiska |
| Coordsen | Jensen | Pederson, D. | Schmitt | Wehrbein |
| Crosby | Jones | Peterson, C. | Stuhr | Wesely |
| Hartnett | Kristensen | Raikes | Suttle | Willhoft |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Brown | Hilgert | Robak | Tyson |
| Brashear | Chambers | Hudkins | Robinson | Witek |

Excused and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kiel | Pedersen, Dw. | Wickersham |
| Bohlke | Elmer | Landis | Preister | Will |
| Cudaback | Engel | Matzke | Schrock | |

The appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 924.** The Bromm substitute pending amendment, AM3944, found on page 1201, as amended, was renewed.

The Bromm amendment, as amended, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mrs. Hillman asked unanimous consent to replace her pending amendment, AM3896, found on page 1203, with a substitute amendment. No objections. So ordered.

Mrs. Hillman withdrew her amendment, AM3896, found on page 1203.

Mrs. Hillman offered the following substitute amendment:
AM4010

(Amendments to E & R amendments, AM7232)

1. Insert the following new sections:

"Sec. 69. Sections 69 to 74 of this act shall be known and may be cited as the Nebraska Plane Coordinate System Act.

Sec. 70. (1) For purposes of the Nebraska Plane Coordinate System Act, Nebraska Plane Coordinate System means the system of plane coordinates for designating the geographic position of points on the surface of the earth, within the State of Nebraska, which have been established by the National Ocean Service/National Geodetic Survey, or its successors, for defining and stating the geographic positions or locations of points on the surface of the earth, within the State of Nebraska; and

(2) For purposes of more precisely defining the Nebraska Plane Coordinate System, the following definition by the National Ocean Service/National Geodetic Survey is also adopted:

The Nebraska Plane Coordinate System is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 40 degrees 00 minutes and 43 degrees 00 minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 100 degrees 00 minutes west of Greenwich and the parallel 39 degrees 50 minutes north latitude. This origin is given the coordinates. N = 0 meters and E = 500,000 meters.

Sec. 71. The plane coordinate values for a point on the earth's surface used to express the geographic position or location of such point of this system shall consist of two distances expressed in meters and decimals of a meter when using the Nebraska Plane Coordinate System. One of the distances, to be known as the 'northing' or 'N', shall give the position in a north-and-south direction. The other, to be known as the 'easting' or 'E', shall

give the position in an east-and-west direction. These coordinates shall be made to depend upon and conform to plane rectangular coordinate values for the monumented horizontal control stations of the North American National Geodetic Horizontal Network as published by the National Ocean Service/National Geodetic Survey, or its successors, and whose plane coordinates have been computed based on the system described in the Nebraska Plane Coordinate System Act. Any such station may be used for establishing a survey connection to the Nebraska Plane Coordinate System.

Sec. 72. No coordinates based on the Nebraska Plane Coordinate System purporting to define the position of a point on a land boundary shall be presented to be recorded in any public land records or deed records unless such point is within one kilometer of a monumented horizontal control station established in conformity with the standards of accuracy and specifications for first-order or second-order geodetic surveying, as prepared and published by the Federal Geodetic Control Subcommittee of the United States Department of Commerce. Standards and specifications of the Federal Geodetic Control Subcommittee, or its successor, in force on the date of the survey shall apply. Publishing existing monumented horizontal control stations, or the acceptance with intent to publish the newly established monumented horizontal control stations, by the National Ocean Service/National Geodetic Survey shall constitute evidence of adherence to the Federal Geodetic Control Subcommittee specifications. The State Surveyor may grant a waiver of the requirements of this section upon submission of evidence that the standards of accuracy and specifications used exceed the requirements of this section.

Sec. 73. The use of the term 'Nebraska Plane Coordinate System' on any map, report, survey, or other document shall be limited to coordinates based upon the Nebraska Plane Coordinate System.

Sec. 74. Descriptions of tracts of land by reference to subdivisions, lines or corners of the United States public land survey, or other original pertinent surveys, are hereby recognized as the basic and prevailing method for describing tracts of land. Whenever coordinates of the Nebraska Plane Coordinate System are used in descriptions of tracts of land, they shall be construed as being supplementary to descriptions of such subdivisions, lines or corners of the United States public land survey, or such other original pertinent surveys contained in official plats and field notes of record. In the event of any conflict, coordinates of the Nebraska Plane Coordinate System shall not determine the issue, but may be used as collateral facts to show additional evidence.".

2. Correct the operative date section so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections accordingly.

The Hillman amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to reconsider the vote on the Hillman amendment, AM4010.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers withdrew his motion to reconsider.

Mrs. Hillman renewed her pending amendment, AM3931, found on page 1203.

**MR. WESELY PRESIDING**

Messrs. Maurstad and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

**MR. JANSSEN PRESIDING**

Mmes. Bohlke, Witek, Messrs. Wehrbein, Jensen, Matzke, Wesely, Raikes, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hillman moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Hillman requested a roll call vote on her amendment.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Hudkins | Pederson, D. | Schimek |
| Beutler | Crosby | Janssen | Peterson, C. | Schrock |
| Bohlke | Cudaback | Kiel | Preister | Suttle |
| Brashear | Engel | Kristensen | Raikes | Thompson |
| Brown | Hilgert | Lynch | Robak | Wickersham |
| Bruning | Hillman | Pedersen, Dw. | Robinson | Willhoft |

Voting in the negative, 0.

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Bromm | Elmer | Jones | Schmitt | Tyson |
| Chambers | Hartnett | Schellpeper | Stuhr | Vrtiska |
| Dierks | | | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Jensen | Matzke | Wehrbein | Will | Witek |
| Landis | Maurstad | Wesely | | |

The Hillman amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS
### Transportation

**LEGISLATIVE BILL 74.** Indefinitely postponed.
**LEGISLATIVE BILL 231.** Indefinitely postponed.
**LEGISLATIVE BILL 494.** Indefinitely postponed.
**LEGISLATIVE BILL 640.** Indefinitely postponed.
**LEGISLATIVE BILL 694.** Indefinitely postponed.
**LEGISLATIVE BILL 1027.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 504.** Placed on Select File.

**LEGISLATIVE BILL 1073A.** Placed on Select File as amended.
E & R amendment to LB 1073A:
AM7233
1. On page 2, line 26, after "the" insert "Department of".

**LEGISLATIVE BILL 1120A.** Placed on Select File.
**LEGISLATIVE BILL 1193A.** Placed on Select File.

### Enrollment and Review Change to LB 1100

The following changes, required to be reported for publication in the Journal, have been made:
ER9135
1. In the Wehrbein amendment, AM3492, on page 1, line 10, an underscored comma has been inserted after "construction".

### Correctly Reengrossed

The following bill was correctly reengrossed: LB 1056.

## Correctly Engrossed

The following bills were correctly engrossed: LBs 1100 and 1138.

(Signed) Jon C. Bruning, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Benesch, Kevin F. - Nebr. Child Abuse Prevention Fund Board -- Health and Human Services

Leung, Kam-Ching - Nebraska Arts Council -- General Affairs

Marvin, Sharon - Nebraska Arts Council -- General Affairs

Newman, Sharee - Nebraska Arts Council -- General Affairs

Orr, Cinda S. - Nebraska Arts Council -- General Affairs

Price, Jack L. - Nebr. Child Abuse Prevention Fund Board -- Health and Human Services

Storey, Jane - Nebr. Child Abuse Prevention Fund Board -- Health and Human Services

Tulipana, Peter - Nebr. Child Abuse Prevention Fund Board -- Health and Human Services

Woods, Thomas C., III - Nebraska Arts Council -- General Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## 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.

Nebraska Commission for the Deaf and Hard of Hearing
Jerry A. Hohnbaum
Raymond A. Meester
Brent A. Welsch
Kevin T. Williams

Rural Health Advisory Commission
Marcia M. Freer
Donald R. Frey, M.D.
Donald Klitgaard, M.D.

Board of Emergency Medical Services
Chris Becker
Bruce Beins
Melanie Cheney
Alice Dalton
Doak P. Doolittle, M.D.
Mike Grutsch
William Heine
William Madison
Gerald E. Matzke Jr., M.D.
Robert McDonnell
Joe Schaefer
Dallas Schaffer
Rex Scott
Sharon Stumpf
Michael Westcott, M.D.

VOTE: Aye: Senators Wesely, Matzke, Jensen, Suttle, and Thompson. Nay: None. Absent: Senators Dierks and Witek.

(Signed) Don Wesely, Chairperson

**AMENDMENT - Print in Journal**

Mrs. Brown filed the following amendment to LB 1063:
AM4001

(Amendments to Final Reading copy)

1. Strike sections 1 to 4.

2. On page 1, line 2, strike "44-710.01, 44-4227, 44-4235,"; strike beginning with the first comma in line 4 through "1997" in line 5; and in lines 5 and 6 strike "the Comprehensive Health Insurance Pool,".

3. On page 20, strike beginning with "sections" in line 24 through "are" in line 26 and insert "section 71-529, Reissue Revised Statutes of Nebraska, is".

4. Renumber the remaining sections and correct internal references accordingly.

**SELECT FILE**

**LEGISLATIVE BILL 924.** Mr. Beutler renewed his pending amendment, AM3933, found on page 1203.

Mr. Jones and Mrs. Bohlke asked unanimous consent to be excused until

they return. No objections. So ordered.

The Beutler amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Bromm asked unanimous consent to replace his pending amendment, AM3922, found on page 1204, with a substitute amendment. No objections. So ordered.

Mr. Bromm withdrew his amendment, AM3922, found on page 1204.

Mr. Bromm offered the following substitute amendment:
AM4024

(Amendments to E & R amendments, AM7232)

1. On page 5, line 2, after "infrastructure" insert ". Governmental entities, state agencies, and political subdivisions shall submit projects which directly utilize state-appropriated funds for information technology purposes to the process established by sections 1 to 17 of this act. Governmental entities and political subdivisions may submit other projects involving information technology to the commission for comment, review, and recommendations".

The Bromm amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Bromm renewed his pending amendment, AM3903, found on page 1204.

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

**MR. WESELY PRESIDING**

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

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Bromm moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Kiel requested a roll call vote on the Bromm amendment.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Janssen | Pedersen, Dw. | Schrock |
| Brashear | Dierks | Jensen | Pederson, D. | Stuhr |
| Bromm | Elmer | Jones | Peterson, C. | Tyson |
| Brown | Engel | Kristensen | Robinson | Vrtiska |
| Bruning | Hilgert | Matzke | Schmitt | Witek |
| Crosby | Hudkins | Maurstad | | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Lynch | Robak | Suttle | Wehrbein |
| Hillman | Raikes | Schimek | Thompson | Wickersham |
| Kiel | | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Preister | Wesely | Willhoft |
| Coordsen | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Bohlke | Landis | Schellpeper | Will |

The Bromm amendment was adopted with 28 ayes, 11 nays, 6 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

## COMMUNICATIONS

March 23, 1998

Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943, Legislative approval is requested for the following project to be funded from the Replacement Fund of the University of Nebraska Student Fees and Facilities Revenue Bonds.

University of Nebraska Student Union Asbestos Abatement The University of Nebraska-Lincoln proposes to remove concealed asbestos identified during the construction phase. Total abatement removal is

estimated to cost $1,300,000.

**Request**. The University requests approval for concealed asbestos abatement totaling $800,000 to be financed from the Replacement Fund of the Student Fees and Facilities Revenue Bonds.

The Board of Regents authorized this expenditure at its February 28, 1998 meeting. The Coordinating Commission for Postsecondary Education is reviewing the request and we anticipate approval at their April 2, 1998 meeting. Typically we would be sending this later after securing approval from CCPE. Because of the limited number of days left in the session and the need to complete this project in a timely fashion, we are initiating legislative action prior to, but in anticipation of, CCPE approval. We will forward their recommendation upon receipt.

Respectfully submitted,
(Signed) James B. Milliken
Vice President for External Affairs
and Corporation Secretary

t:\fac\corr98\W52

March 23, 1998

Senator George Coordsen
Chair - Executive Board
2010 State Capitol Bldg.
Lincoln, NE 68509

Dear Senator Coordsen:

Enclosed is correspondence from Mr. James B. Milliken, Corporation Secretary of the Board of Regents. The correspondence relates to the expenditure of funds from the Replacement Fund of the University of Nebraska Student Fees and Facilities Revenue Bonds. The project to be funded is for asbestos abatement in the University of Nebraska Student Union.

I am forwarding this correspondence to you for action by the Executive Board.

With kind regards.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

## AMENDMENTS - Print in Journal

Mr. Schellpeper filed the following amendment to LB 1209:
(Amendment, AM4034, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Messrs. Bruning and Schrock filed the following amendment to LB 1209:
AM4032

(Amendments to Standing Committee amendments, AM4002)

1. On page 7, line 9, strike "three hundred" and insert "fifty"; in line 10 strike "eight" and insert "one"; and in line 11 strike "one thousand".

Messrs. Bruning and Schrock filed the following amendment to LB 1209:
AM4031

(Amendments to Standing Committee amendments, AM4002)

1. On page 7, line 9, strike "three" and insert "one"; in line 10 strike "eight hundred" and insert "two hundred fifty"; and in line 11 strike "five hundred".

## VISITORS

Visitors to the Chamber were Sister Elizabeth; 100 sophomores and juniors with NE Farm Bureau's Citizenship Safety Seminar from across the state; 38 fourth grade students and teachers from Brownell Talbot, Omaha; Senator Elmer's relatives, Jerry Anne Hoyt, from Burlington, Kansas, Stacey and R. J. Hoyt, from Wichita, Kansas; 24 kindergarten through third grade students and teachers from Sutton Christian School; Dana Roseland from Springfield-Platteview High School; 45 fourth grade students and teacher from St. Joseph's Catholic School, Lincoln; members of the Nebraska State 4-H Action Team; twelfth grade Government Class and teacher from Arnold High School; and Senator Willhoft's son, Joel, daughter-in-law, Marva, and grandchildren, Tanner and Molly, from Hayes, Kansas.

## RECESS

At 12:10 p.m., on a motion by Mrs. Thompson, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Dierks, Landis, Matzke, Maurstad, Preister, Robinson, Will, Mmes. Bohlke, Brown, and Stuhr who were excused until they arrive.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 632.** Placed on Select File as amended.
E & R amendment to LB 632:
AM7234

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 32-1604, Revised Statutes Supplement, 1997, is amended to read:

32-1604. (1) If the office is designated as covered for a given election period pursuant to section 32-1611, any candidate for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education may qualify for public funds to be used for the election period if he or she limits his or her campaign spending for the election period and meets the other requirements prescribed in this section.

(2) In any election period, any candidate for the Legislature may qualify for public funds to be used for the election period if he or she limits his or her campaign spending for the election period and meets the other requirements prescribed in this section.

(3) To qualify for public funds for the election period, a candidate for Governor shall limit his or her spending, other than unrestricted spending, for the election period to one million five hundred thousand dollars, a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts shall limit his or her spending, other than unrestricted spending, for the election period to one hundred fifty thousand dollars, a candidate for the Legislature shall limit his or her spending, other than unrestricted spending, for the election period to seventy-three thousand dollars, and a candidate for the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education shall limit his or her spending, other than unrestricted spending, for the election period to fifty thousand dollars, and such candidates shall limit their spending, other than unrestricted spending, for the primary election period to not exceed fifty percent of the limits provided in this subsection for the election period.

(4) Each candidate for a covered elective office desiring to receive public funds pursuant to this section shall (a) beginning the first day of the election period, raise an amount equal to at least twenty-five percent of the spending limitation for the office from persons who are residents of Nebraska and (b) file with the Nebraska Accountability and Disclosure Commission an affidavit pursuant to section 32-1604.01 indicating his or her intent to abide by the spending limitations and his or her

agreement to personally act as a guarantor for the lawful use of such funds and to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law. Money raised prior to filing the affidavit shall not count toward the qualifying amount established in this subsection. Money raised prior to the first day of the election period shall not count toward the qualifying amount established in this subsection. At least sixty-five percent of the qualifying amount established in this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

(5)(a) Except as otherwise provided in section 32-1604.01, any candidate for a covered elective office who does not file an affidavit pursuant to subsection (4) of this section shall file with the commission an affidavit indicating his or her intent not to abide by the spending limitations of this section and shall include a reasonable estimate of his or her maximum expenditures as defined in sections 32-1603 and 49-1419 for the primary election period. The estimate of expenditures for the primary election period may be amended up to thirty days prior to the primary election by filing a subsequent affidavit. A candidate nominated for a covered elective office in the primary election shall file an estimate of expenditures for the general election period on or before the fortieth day following the primary election. The estimate of expenditures for the general election period may be amended up to sixty days prior to the general election by filing a subsequent affidavit.

(b) A candidate for a covered elective office whose estimated maximum expenditures exceed the spending limitations of this section as set forth in the affidavit filed under subdivision (5)(a) of this section shall file an affidavit with the commission when forty percent of his or her estimated maximum expenditures has been spent for the primary election period. The candidate shall file a second affidavit with the commission when forty percent of his or her estimated maximum expenditures has been spent for the general election period. Each affidavit shall be filed no later than five days after the forty percent has been expended. A candidate who intentionally fails to file the required affidavit within either five-day period shall be guilty of a Class II misdemeanor.

(6) If an affidavit required under subdivision (5)(b) of this section is not filed, no public funds shall be distributed to the candidates for such office who have qualified for public funds for the election period unless preelection campaign statements filed pursuant to subdivisions ~~(1) and (2)~~ (1)(a) and (b) of section 49-1459 or audits by the commission conducted pursuant to section 49-14,122 reveal that a candidate has made expenditures requiring the filing of an affidavit under subdivision (5)(b) of

this section.

Sec. 2. Section 49-1405, Reissue Revised Statutes of Nebraska, is amended to read:

49-1405. Ballot question shall mean any question which is submitted or which is intended to be submitted to a popular vote at an election, including, but not limited to, a question submitted or intended to be submitted by way of initiative, referendum, recall, judicial retention, or bond issue or as a result of legislative action or action of a government body, whether or not it qualifies for the ballot.

Sec. 3. Section 49-1459, Reissue Revised Statutes of Nebraska, is amended to read:

49-1459. (1) Except as provided in subsection (2) of this section, campaign ~~Campaign~~ statements as required by the Nebraska Political Accountability and Disclosure Act shall be filed according to the following schedule:

(a) ~~(1)~~ A first preelection campaign statement shall be filed not later than the thirtieth day before the election. The closing date for a campaign statement filed under this subdivision shall be the thirty-fifth day before the election;

(b) ~~(2)~~ A second preelection campaign statement shall be filed not later than the tenth day before the election. The closing date for a campaign statement filed under this subdivision shall be the fifteenth day before the election; and

(c) ~~(3)~~ A postelection campaign statement shall be filed not later than the fortieth day following the primary election and the sixtieth day following the general election. The closing date for a postprimary election campaign statement filed under this subdivision shall be the thirty-fifth day following the election. The closing date for a postgeneral election campaign statement filed under this subdivision shall be December 31 of the year in which the election is held. If all liabilities of a candidate and committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the dates provided under this subdivision.

(2) Any committee may file a statement in writing with the commission indicating that the committee does not expect to receive contributions or make expenditures of more than one thousand dollars in the calendar year of an election. Such written statement shall be signed by the committee treasurer or the assistant treasurer, and in the case of a candidate committee, it shall also be signed by the candidate. Such written statement shall be filed on or before the thirtieth day before the election. A committee which files a written statement pursuant to this subsection is not required to file campaign statements according to the schedule prescribed in subsection (1) of this section but shall file a sworn statement of exemption not later than the fortieth day following the primary election and the sixtieth day following the

general election stating only that the committee did not, in fact, receive or expend an amount in excess of one thousand dollars. If the committee receives contributions or makes expenditures of more than one thousand dollars during the election year, the committee is then subject to all campaign filing requirements under subsection (1) of this section.

Sec. 4. Section 49-1463, Reissue Revised Statutes of Nebraska, is amended to read:

49-1463. Any person who fails to file a campaign statement with the commission under sections 49-1459 to 49-1463 shall pay to the commission a late filing fee of ten dollars for each day the campaign statement remains not filed in violation of this section, not to exceed three hundred dollars. Any committee which fails to file a statement of exemption with the commission under subsection (2) of section 49-1459 shall pay to the commission a late filing fee of ten dollars for each day the statement of exemption remains not filed in violation of this section, not to exceed one hundred dollars.

Sec. 5. Section 49-1463.01, Revised Statutes Supplement, 1997, is amended to read:

49-1463.01. A person required to pay a late filing fee imposed under section 32-1604.01, 49-1446.05, 49-1449, 49-1458, 49-1463, 49-1467, 49-1469, or 49-1479.01 may apply to the commission for relief. The commission by order may reduce the amount of a late filing fee imposed upon a showing by such person that (1) the circumstances indicate no intent to file late, (2) the person has not been required to pay late filing fees for two years prior to the time the filing was due, (3) the late filing shows that less than five thousand dollars was raised, received, or expended during the reporting period, and (4) a reduction of the late fees would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act. A person required to pay a late filing fee imposed for failure to file a statement of exemption under subsection (2) of section 49-1459 may apply to the commission for relief. The commission by order may reduce or waive the late filing fee and the person shall not be required to make a showing as provided by this section.

Sec. 6. Section 49-1488.01, Revised Statutes Supplement, 1996, is amended to read:

49-1488.01. (1) Every lobbyist who fails to file a quarterly statement or a statement of activity with the Clerk of the Legislature, pursuant to sections 49-1483 and 49-1488, shall pay to the commission a late filing fee of ten dollars for each day any of such statements are not filed in violation of such sections but not to exceed three hundred dollars per statement.

(2) A lobbyist required to pay a late filing fee pursuant to subsection (1) of this section may apply to the commission for relief. The commission by order may reduce the amount of the late filing fee imposed upon such lobbyist if he or she shows the

commission that (a) the circumstances indicate no intent to file late, (b) the lobbyist has not been required to pay a late filing fee for two years prior to the time the filing of the statement was due, (c) the late filing of the statement shows that less than five thousand dollars was raised, received, or expended during the reporting period, and (d) a reduction of the late fee would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

(3) A lobbyist required to pay a late filing fee pursuant to subsection (1) of this section who qualifies for an exemption to the filing of quarterly statements pursuant to subsection (3) of section 49-1483 may apply to the commission for relief. The commission by order may reduce or waive the late filing fee and the person shall not be required to make a showing as provided by subsection (2) of this section.

Sec. 7. Original sections 49-1405, 49-1459, and 49-1463, Reissue Revised Statutes of Nebraska, section 49-1488.01, Revised Statutes Supplement, 1996, and sections 32-1604 and 49-1463.01, Revised Statutes Supplement, 1997, are repealed.".

2. On page 1, strike beginning with "campaign" in line 1 through "section" in line 4 and insert "the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1405, 49-1459, and 49-1463, Reissue Revised Statutes of Nebraska, section 49-1488.01, Revised Statutes Supplement, 1996, and sections 32-1604 and 49-1463.01, Revised Statutes Supplement, 1997; to redefine ballot question; to change provisions relating to campaign statements, lobbyist statements of activity, and late filing fees; to harmonize provisions; and to repeal the original sections".

**LEGISLATIVE BILL 1126.** Placed on Select File.

**LEGISLATIVE BILL 699.** Placed on Select File as amended.
E & R amendment to LB 699:
AM7235

1. In the Standing Committee amendment, AM2727:

a. On page 5, line 27, strike "its" and insert "the council's"; and

b. On page 8, line 3, strike "an" and "a"; in line 18 strike "National" and insert "federal"; and in line 19 after "Act" insert "of 1996".

2. On page 1, line 2, after "Act" insert "; to prescribe insurance and training requirements; and to provide civil penalties".

(Signed) Jon C. Bruning, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the

following:

Refer request from University to fund a project from the Replacement Fund to the Executive Board.

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 337.

## SELECT FILE

**LEGISLATIVE BILL 924.** Mr. Bromm renewed his pending amendment, AM3902, found on page 1205.

The Bromm amendment lost with 6 ayes, 12 nays, 23 present and not voting, and 8 excused and not voting.

Mr. Bromm asked unanimous consent to replace his pending amendment, AM3901, found on page 1205, with a substitute amendment. No objections. So ordered.

Mr. Bromm withdrew his amendment, AM3901, found on page 1205.

Mr. Bromm offered the following substitute amendment:
AM4025

(Amendments to E & R amendments, AM7232)

1. On page 2, line 17, after the period insert "For purposes of this section, academic research mission means those specific activities or programs of the university which are undertaken as a part of sponsored or grant-supported activities, organized research projects, or other similar activities intended to produce one or more research outcomes and conducted by employees of the university or other entities, including, but not limited to, research divisions, bureaus, institutes, and experimental stations. Academic research mission does not include the administrative activities of the university, instruction of students, or services provided by the university to communities when not conducted in the context of research outcomes.".

The Bromm amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Coordsen offered the following amendment:
AM4021

(Amendments to E & R amendments, AM7232)

1. On page 60, line 3, strike "Director of Research", show as stricken, and insert "Clerk".

The Coordsen amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Coordsen offered the following amendment:
AM3971

(Amendments to E & R amendments, AM7232)

1. On page 14, strike beginning with "The" in line 16 through line 17 and insert "The Executive Board of the Legislative Council shall designate staff with appropriate technical experience to provide the staff support for the review.".

The Coordsen amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Bromm offered the following amendment:
AM4014

(Amendments to E & R amendments, AM7232)

1. On page 5, line 14, strike "and"; and in line 18 after "Cabinet" insert "; and

(11) Ensure that all requests referred to it shall be processed within sixty days of the commission's receipt unless the submitting entity consents to a longer period of time for review or unless the entity indicates an expedited review is necessary for the project, in which cases the commission shall give priority to those projects which require an expedited review".

Mr. Bromm withdrew his amendment.

Mrs. Hillman offered the following amendment:
AM4049

(Amendments to AM3903)

1. On page 1, line 6, after "groups" insert "to establish, coordinate, and prioritize needs"; strike lines 7 and 8 and insert "and strike beginning with 'by' in line 17 through 'Cabinet' in line 18."; strike lines 10 through 12 and insert "11 through '(2)' in line 13; in line 17 strike '(3)' and insert '(2)'; strike beginning with 'to' in line 19 through '(4)' in line 21 and insert ';

(3)'; in line 24 strike '(5)' and insert '(4)'; and in line 26 strike '(6)' and insert '(5).'"; in line 18 after the comma insert "line 4, after 'Commission' insert 'including any recommendations by working groups established under sections 1 to 17 of this act' and strike "recommended" and insert "by"; and in line 19 strike "3" and insert "4".

**MR. WEHRBEIN PRESIDING**

The Hillman amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 924A.** Mrs. Hillman renewed her pending amendment, AM3843, found on page 1134.

The Hillman amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

## STANDING COMMITTEE REPORT
### Natural Resources

**LEGISLATIVE BILL 1209.** Placed on General File as amended.
(Standing Committee amendment, AM4002, 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

## AMENDMENTS - Print in Journal

Messrs. Elmer, Bruning, Schrock, Bromm, and Mrs. Stuhr filed the following amendment to LB 1209:
AM4048
(Amendments to Standing Committee amendments, AM4002)
1. On page 2, strike beginning with the first comma in line 3 through the comma in line 4; and in line 5 strike the comma.
2. On page 5, line 14, strike "shall" and insert "may".

Mr. Bruning filed the following amendment to LB 1209:
AM4042
(Amendments to Standing Committee amendments, AM4002)
1. On page 5, line 14, strike "shall" and insert "may"; and strike beginning with "eighteen" in line 16 through "act" in line 17 and insert "November 1, 1999".

## SELECT FILE

**LEGISLATIVE BILL 989.** E & R amendment, AM7218, found on page 969, was adopted.

Mr. Kristensen reoffered his amendment, AM3454, found on page 900 and considered on page 931.

Mr. Kristensen withdrew his amendment.

Mrs. Witek renewed her pending amendment, AM3744, found on page 1041.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Wickersham requested a ruling of the Chair on whether the Witek amendment is germane to the bill.

The Chair ruled the Witek amendment is not germane to the bill.

Mr. Coordsen renewed his pending amendment, AM3790, found on page 1092.

Mr. Coordsen offered the following amendment to his pending amendment: AM4004

(Amendments to AM3790)

1. On page 10, line 3, before the period insert "; in line 10 strike 'levy' and show as stricken; and in lines 22 and 23 strike 'levy of the municipality' and insert 'municipal tax levy for operational purposes'".

The Coordsen amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The Coordsen amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Tyson renewed his pending amendment, AM3769, found on page 1098.

Mrs. Hillman and Mr. Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Kiel requested a ruling of the Chair on whether the Tyson amendment is germane to the bill.

The Chair ruled the Tyson amendment is germane to the bill.

Mrs. Kiel challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

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

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Kiel withdrew her motion to overrule the Chair.

Mr. Schellpeper asked unanimous consent to be excused until he 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 25 ayes, 0 nays, and 24 not voting.

Mr. Tyson moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Ms. Schimek requested a roll call vote on the Tyson amendment.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Bromm | Dierks | Kristensen | Robinson | Vrtiska |
| Chambers | Hudkins | Maurstad | Schrock | Wehrbein |
| Crosby | Jones | Peterson, C. | Stuhr | Witek |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Lynch | Raikes | Thompson |
| Beutler | Hilgert | Matzke | Robak | Wesely |
| Bohlke | Hillman | Pedersen, Dw. | Schimek | Wickersham |
| Bruning | Kiel | Pederson, D. | Schmitt | Will |
| Cudaback | Landis | Preister | Suttle | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Brown | Elmer | Jensen | Tyson | Willhoft |
| Coordsen | Janssen | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Brashear | Engel | Schellpeper |

The Tyson amendment lost with 15 ayes, 24 nays, 7 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 1219A.** 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 1219, Ninety-fifth Legislature, Second Session, 1998.

**LEGISLATIVE BILL 1176A.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1176, Ninety-fifth Legislature, Second Session, 1998.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bill was correctly engrossed: LB 1108.

### Enrollment and Review Change to LB 1108

The following changes, required to be reported for publication in the Journal, have been made:
ER9136

1. In the Suttle amendment, AM3930, section 101 has been renumbered as section 103.
2. In the E & R amendments, AM7227, on page 2, line 18; and page 3, line 1, "150," has been inserted after "147,".
3. On page 29, line 12, "1996" has been struck, shown as stricken, and "1997" inserted.
4. On page 46, line 5,"Health and Human Services" has been struck and shown as stricken.

(Signed) Jon C. Bruning, Chairperson

### AMENDMENT - Print in Journal

Mrs. Hillman filed the following amendment to LB 1073:
AM3975

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 10. Section 43-250, Revised Statutes Supplement, 1997, is amended to read:

43-250. An officer who takes a juvenile into temporary custody under section 43-248 shall immediately take reasonable measures to notify the juvenile's parent, guardian, custodian, or relative and shall proceed as follows:

(1) The officer shall release such juvenile;

(2) The officer shall prepare in triplicate a written notice requiring the juvenile to appear before the juvenile court or probation officer of the county in which such juvenile was taken

into custody at a time and place specified in the notice or at the call of the court. The notice shall also contain a concise statement of the reasons such juvenile was taken into custody. The officer shall deliver one copy of the notice to such juvenile and require such juvenile or his or her parent, guardian, other custodian, or relative, or both, to sign a written promise that such signer will appear at the time and place designated in the notice. Upon the execution of the promise to appear, the officer shall immediately release such juvenile. The officer shall, as soon as practicable, file one copy of the notice with the county attorney and, when required by the juvenile court, also file a copy of the notice with the juvenile court, the officer appointed by the court for such purpose, or the probation officer;

(3) The officer shall take such juvenile without unnecessary delay before the juvenile court or probation officer of the county in which such juvenile was taken into custody and deliver the custody of such juvenile to the juvenile court or probation officer. When secure custody of a juvenile is necessary, such custody shall occur within a juvenile detention facility except:

(a) When a juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, is taken into temporary custody within a metropolitan statistical area and where no juvenile detention facility is reasonably available, the juvenile may be delivered, for temporary custody not to exceed six hours, to a secure area of a jail or other facility intended or used for the detention of adults solely for the purposes of identifying the juvenile and ascertaining his or her health and well-being and for safekeeping while awaiting transport to an appropriate juvenile placement or release to a responsible party;

(b) When a juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, is taken into temporary custody outside of a metropolitan statistical area and where no juvenile detention facility is reasonably available, the juvenile may be delivered, for temporary custody not to exceed twenty-four hours excluding nonjudicial days and while awaiting an initial court appearance, to a secure area of a jail or other facility intended or used for the detention of adults solely for the purposes of identifying the juvenile and ascertaining his or her health and well-being and for safekeeping while awaiting transport to an appropriate juvenile placement or release to a responsible party;

(c) Whenever a juvenile is held in a secure area of any jail or other facility intended or used for the detention of adults, there shall be no verbal, visual, or physical contact between the juvenile and any incarcerated adult and there shall be adequate staff to supervise and monitor the juvenile's activities at all times. This subdivision shall not apply to a juvenile charged with a felony as an adult in county or district court if he

or she is sixteen years of age or older;

(d) If a juvenile is under sixteen years of age or is a juvenile as described in subdivision (3) of section 43-247, he or she shall not be placed within a secure area of a jail or other facility intended or used for the detention of adults;

(e) If, within the time limits specified in subdivision (3)(a) or (3)(b) of this section, a felony charge is filed against the juvenile as an adult in county or district court, he or she may be securely held in a jail or other facility intended or used for the detention of adults beyond the specified time limits;

(f) A status offender or nonoffender taken into temporary custody shall not be held in a secure area of a jail or other facility intended or used for the detention of adults. A status offender accused of violating a valid court order may be securely detained in a juvenile detention facility longer than twenty-four hours if he or she is afforded a detention hearing before a court within twenty-four hours, excluding nonjudicial days, and if, prior to a dispositional commitment to secure placement, a public agency, other than a court or law enforcement agency, is afforded an opportunity to review the juvenile's behavior and possible alternatives to secure placement and has submitted a written report to the court; and

(g) A juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, may be held in a secure area of a jail or other facility intended or used for the detention of adults for up to six hours before and six hours after any court appearance;

(4) When a juvenile is taken into temporary custody pursuant to subdivision (3) or (4) of section 43-248, the officer may deliver the custody of such juvenile to the Department of Health and Human Services which shall make a temporary placement of the juvenile in the least restrictive environment consistent with the best interests of the juvenile as determined by the department. The department shall supervise such placement and, if necessary, consent to any necessary emergency medical, psychological, or psychiatric treatment for such juvenile. The department shall have no other authority with regard to such temporary custody until or unless there is an order by the court placing the juvenile in the custody of the department. If the officer delivers temporary custody of the juvenile pursuant to this subdivision, the officer shall make a full written report to the county attorney within twenty-four hours of taking such juvenile into temporary custody. If a court order of temporary custody is not issued within forty-eight hours of taking the juvenile into custody, the temporary custody by the department shall terminate and the child shall be returned to the custody of his or her parent, guardian, custodian, or relative; or

(5) If the officer takes the juvenile into custody pursuant to subdivision (4) of section 43-248, the officer may

place the child at a mental health facility for evaluation and emergency treatment or may deliver the juvenile to the Department of Health and Human Services pursuant to subdivision (4) of this section. At the time of the admission or turning the child over to the department, the peace officer responsible for taking the juvenile into custody shall execute a written certificate as prescribed by the Department of Health and Human Services which will indicate that the officer believes the juvenile to be mentally ill and dangerous, a summary of the subject's behavior supporting such allegations, and that the harm described in section 83-1009 is likely to occur before proceedings before a juvenile court may be invoked to obtain custody of the juvenile. A copy of the certificate shall be forwarded to the county attorney. The peace officer shall notify the juvenile's parents, guardian, custodian, or relative of the juvenile's placement.

In determining the appropriate temporary placement of a juvenile under this section, the officer shall select the placement which is least restrictive of the juvenile's freedom so long as such placement is compatible with the best interests of the juvenile and the safety of the community.

Sec. 11. Section 43-251, Revised Statutes Supplement, 1997, is amended to read:

43-251. (1) When a juvenile is taken into custody pursuant to sections 43-248 and 43-250, the court or magistrate may take any action for preadjudication placement or detention prescribed in the Nebraska Juvenile Code. ~~and, if such juvenile is age thirteen years or under and if the court or magistrate shall place such juvenile in the care of the sheriff, police officer, probation officer, or other suitable person, such person shall keep the juvenile in a suitable place outside the enclosure of any jail or police station.~~

~~(2) When a juvenile under the age of sixteen years shall be detained in any institution to which adults are sentenced, it shall be unlawful to permit such juvenile to have verbal, visual, or physical contact with such adults at any time.~~

~~(3)~~ (2) Any juvenile taken into custody under the Nebraska Juvenile Code for allegedly being mentally ill and dangerous shall not be placed in a jail or detention facility designed for juveniles who are accused of criminal acts or for juveniles as described in subdivision (1), (2), or (4) of section 43-247 either as a temporary placement by a peace officer, as a temporary placement by a court, or as an adjudication placement by the court.

Sec. 12. Section 43-253, Revised Statutes Supplement, 1996, is amended to read:

43-253. (1) Upon delivery to the juvenile court or probation officer of a juvenile who has been taken into temporary custody under sections 43-248 and 43-250, the court or probation officer shall immediately investigate the situation of the juvenile

and the nature and circumstances of the events surrounding his or her being taken into custody. Such investigation may be by hearing on the record before the court or by informal means when appropriate.

(2) No juvenile who has been taken into temporary custody under subdivision (3) of section 43-250 shall be detained in any locked facility for longer than twenty-four hours, excluding nonjudicial days, after having been taken into custody unless such juvenile has appeared personally before a court of competent jurisdiction for a hearing to determine if continued detention is necessary. If continued detention in a locked facility is ordered, such detention shall be in a juvenile detention facility, except that a juvenile charged with a felony as an adult in county or district court may be held in an adult jail as set forth in subdivision (3)(e) of section 43-250.

(3) When the court or probation officer deems it to be in the best interests of the juvenile, the court or probation officer shall immediately release such juvenile to the custody of his or her parent. If the juvenile has both a custodial and a noncustodial parent and the court or probation officer deems that release of the juvenile to the custodial parent is not in the best interests of the juvenile, the court or probation officer shall, if it is deemed to be in the best interests of the juvenile, attempt to contact the noncustodial parent, if any, of the juvenile and to release the juvenile to such noncustodial parent. If such release is not possible or not deemed to be in the best interests of the juvenile, the court or probation officer may release the juvenile to the custody of a legal guardian, a responsible relative, or another responsible person. The court may admit such juvenile to bail by bond in such amount and on such conditions and security as the court, in its sole discretion, shall determine, or the court may proceed as provided in section 43-254. In no case shall the court or probation officer release such juvenile if it appears that further detention or placement of such juvenile is a matter of immediate and urgent necessity for the protection of such juvenile or the person or property of another or if it appears that such juvenile is likely to flee the jurisdiction of the court.

Sec. 13. Section 43-255, Reissue Revised Statutes of Nebraska, is amended to read:

43-255. ~~Whenever a juvenile is detained or placed under the provisions of section 43-253 or 43-254, such juvenile shall not be detained in a locked facility for longer than twenty-four hours after having been taken into custody, excluding nonjudicial days, unless, pursuant to section 43-253, the juvenile court enters an order continuing detention or placement until the adjudication hearing after a reasonable showing that the need for detention or placement still exists. The court may authorize the release of such juvenile on such conditions and security as the court in its sole discretion shall determine.~~ The Whenever a juvenile is

detained or placed under section 43-250 or 43-253, the juvenile shall be released unconditionally within forty-eight hours after the detention or placement order or the setting of bond, excluding nonjudicial days, unless within such period of time (1) a petition has been filed alleging that such juvenile has violated an order of the juvenile court, (2) a petition has been filed pursuant to section 43-274, or (3) a criminal complaint has been filed in a court of competent jurisdiction.

Sec. 14. Section 43-256, Reissue Revised Statutes of Nebraska, is amended to read:

43-256. When the court enters an order continuing placement or detention pursuant to section ~~43-255~~ 43-253, upon request of the juvenile, or his or her parent, guardian, or attorney, the court shall hold a hearing within a reasonable time, at which hearing the burden of proof shall be upon the state to show probable cause that such juvenile is within the jurisdiction of the court. Strict rules of evidence shall not apply at the probable cause hearing. The juvenile shall be released if probable cause is not shown. At the option of the court, it may hold the adjudication hearing provided in section 43-279 as soon as possible instead of the probable cause hearing if held within a reasonable period of time. ~~Sections~~ This section and section 43-255 ~~and 43-256~~ shall not apply to a juvenile (1) who has escaped from a commitment or (2) who has been taken into custody for his or her own protection as provided in subdivision (3) of section 43-248 in which case the juvenile shall be held on order of the court with jurisdiction for a reasonable period of time.

Sec. 15. The Nebraska Commission on Law Enforcement and Criminal Justice shall adopt, promulgate, and implement rules and regulations to harmonize state and federal law on the temporary detention of juveniles.".

2. On page 17, line 8, after "(6)" insert "Juvenile detention facility has the same meaning as in section 83-4,125;

(7)"; in line 15 strike "(7)" and insert "(8)"; in line 18 strike "(8)" and insert "(9) Nonoffender means a juvenile who is subject to the jurisdiction of the juvenile court for reasons other than legally prohibited conduct, including, but not limited to, juveniles charged under subdivision (3)(a) of section 43-247;

(10)"; in line 21 strike "(9)" and insert "(11)"; in line 22 strike "and" and show as stricken; and in line 23 strike "(10)" and insert "(12) Status offender means a juvenile who has been charged with or adjudicated for conduct which would not be a crime if committed by an adult, including, but not limited to, juveniles charged under subdivision (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02; and

(13)".

3. Amend the operative date and repealer sections so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

4. Renumber the remaining sections and correct the internal references accordingly.

## SELECT FILE

**LEGISLATIVE BILL 989.** Mr. Preister withdrew his amendments, AM3866 and AM3865, found on pages 1157 and 1159.

Ms. Schimek withdrew her amendments, AM3858 and AM3860, found on pages 1157 and 1159.

Mr. Lynch withdrew his amendments, AM3861 and AM3859, found on pages 1158 and 1159.

Mr. Hilgert withdrew his amendments, AM3875, AM3874, and AM3876, found on pages 1158 and 1160.

Mr. Will renewed his pending amendment, AM3674, found on page 1036.

Messrs. Matzke and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Willhoft asked unanimous consent to be excused. No objections. So ordered.

Mr. Will withdrew his amendment.

Mr. Coordsen offered the following amendment:
AM4057

(Amendments to AM3370)

1. On page 5, line 13, after "most" insert ", plus restricted funds budgeted to pay for lease-purchase contracts approved on or after July 1, 1997, and before July 1, 1998, to the extent the lease payments are not budgeted restricted funds for fiscal year 1997-98".

2. On page 15, line 14, strike "or" and show as stricken; and in line 16 after "employment" insert ", or (e) expenditures to pay for lease-purchase contracts approved on or after July 1, 1997, and before July 1, 1998, to the extent the lease payments are not budgeted expenditures for fiscal year 1997-98".

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

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1229.** E & R amendment, AM7223, printed separately and referred to on page 1101, was adopted.

Mrs. C. Peterson asked unanimous consent to replace the Bohlke pending amendment, AM3685, found on page 1078, with a substitute amendment. No objections. So ordered.

Mrs. C. Peterson withdrew the Bohlke amendment, AM3685, found on page 1078.

Mrs. C. Peterson offered the following Bohlke-C. Peterson substitute amendment:

AM3936

1. Strike section 11 and insert the following new section:

"Section 1. Section 85-9,145, Revised Statutes Supplement, 1997, is amended to read:

85-9,145. Eligible postsecondary educational institution shall mean a not-for-profit institution not controlled or administered by any state agency or any political subdivision of the state which is:

(1) Located in Nebraska;

(2) Primarily engaged in instruction of students;

(3) Accredited by a regional accrediting organization recognized by the United States Department of Education, except that (a) any postsecondary educational institution which has maintained nonprofit status since July 1, 1991, and is not controlled or administered by any state agency or political subdivision shall be deemed an eligible postsecondary educational institution so long as it is accredited by an accrediting organization recognized by the United States Department of Education and (b) any postsecondary educational institution which has maintained nonprofit status since January 1, 1998, and is not controlled or administered by any state agency or political subdivision shall be deemed an eligible postsecondary educational institution until July 1, 2001, so long as it is accredited by an accrediting organization recognized by the United States Department of Education; and

(4) Offering courses and programs of instruction leading to an associate or baccalaureate degree to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent.".

The Bohlke-C. Peterson amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Ms. Schimek withdrew her amendment, AM3410, found on page 1087.

Messrs. Janssen, Dierks, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek offered the following amendment:

AM3974

1. Insert the following new section:

"Sec. 2. Section 79-214, Reissue Revised Statutes of Nebraska, is amended to read:

79-214. (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 in the current school year, ~~or~~ (b) the family anticipates ~~a~~ relocation to another jurisdiction that would allow admission 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.".

2. On page 23, line 15, after "9-812" insert ", 79-214,".

3. Renumber the remaining sections and correct internal references accordingly.

The Schimek amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment:
FA629
Amend AM3446 - p. 881 Journal
Strike line 1.

Messrs. Will, Brashear, Cudaback, Mmes. Thompson, and Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hudkins and Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

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, 17:

| | | | | |
|---|---|---|---|---|
| Beutler | Hartnett | Kristensen | Raikes | Schmitt |
| Brown | Hilgert | Maurstad | Robak | Wesely |
| Bruning | Jones | Preister | Schimek | Witek |
| Chambers | Kiel | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Bohlke | Engel | Landis | Schellpeper | Tyson |
| Brashear | Hillman | Lynch | Schrock | Wehrbein |
| Bromm | Janssen | Pederson, D. | Stuhr | Wickersham |
| Coordsen | Jensen | Robinson | Suttle | |

Present and not voting, 2:

| | |
|---|---|
| Elmer | Vrtiska |

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Matzke | Peterson, C. | Will |
| Crosby | Hudkins | Pedersen, Dw. | Thompson | Willhoft |
| Cudaback | | | | |

The Chambers amendment lost with 17 ayes, 19 nays, 2 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke offered the following amendment:
FA630
On page 21, line 17, delete "September 1" and insert "October 15."

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

Pending.

**LEGISLATIVE BILL 1173.** E & R amendment, AM7228, found on page 1102, was adopted.

Advanced to E & R for engrossment.

Mr. D. Pederson asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 1161.** Title read. Considered.

The Standing Committee amendment, AM3706, printed separately and referred to on page 1075, was considered.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Mrs. Bohlke and Mr. Hartnett 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 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

Mr. Bromm withdrew his amendment, AM3055, printed separately and referred to on page 564.

Mr. Robinson withdrew his amendment, AM3787, found on page 1221.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 1176.** Title read. Considered.

Mr. Bruning offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4022.)

Mr. Bruning asked unanimous consent to replace his pending amendment,

AM4022, on file and referred to in this day's Journal. No objections. So ordered.

Mr. Bruning withdrew his amendment, AM4022, on file and referred to in this day's Journal.

Mr. Bruning offered the following substitute amendment:
AM4046

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Quality Work Force Academic Loan Program Act.

Sec. 2. In response to findings of the Legislature, the purposes of the Quality Work Force Academic Loan Program Act are to:

(1) Retain resident students and graduates in the Nebraska work force who have attended a Nebraska postsecondary educational institution and demonstrated academic merit, achievements, and career goals in either applied technology or academic programs or courses;

(2) Encourage students to seek education and training in fields which are essential to the economic development of the state;

(3) Promote work force development, attraction, and retention in Nebraska by establishing the Governor's Quality Work Force Honor Roll which consists of businesses in Nebraska supporting Nebraska's postsecondary students by providing internship experiences;

(4) Establish an agreement with the recipient of a loan from the program that he or she will work full time in Nebraska after graduation and complete a designated number of hours of internship experience with a business participating on the Governor's Quality Work Force Honor Roll;

(5) Provide for the administration of the program and distribution of appropriated state funds by the Coordinating Commission for Postsecondary Education, with the individual loans determined and directly disbursed by regionally or nationally accredited participating Nebraska public, nonprofit, or private postsecondary educational institutions according to rules and regulations adopted and promulgated by the commission; and

(6) Provide financial support for the program by the Legislature in such amounts as may be appropriated.

Sec. 3. The Coordinating Commission for Postsecondary Education shall establish and maintain an information data base which details (a) current efforts by Nebraska public, nonprofit, or private postsecondary educational institutions to recruit students from Nebraska and other states and to place graduates in Nebraska businesses and (b) the number of graduates involved in the Quality

Work Force Academic Loan Program from such postsecondary educational institutions by areas of specialty and their employment decisions regarding location of residence, type of employer, title of position, and compensation packages accepted.

Sec. 4. (1) The Department of Economic Development shall develop a plan to increase the number of Nebraska students and graduates who remain in the work force of Nebraska. The plan shall include a process to identify the state's high-priority work force needs.

(2) The department shall establish the Governor's Quality Work Force Honor Roll which roll shall consist of businesses in Nebraska supporting Nebraska's postsecondary students by providing internship experience and paying a fee as determined by a formula developed by the Coordinating Commission for Postsecondary Education to participate on the Governor's Quality Work Force Honor Roll. The business fees shall be placed in the Quality Work Force Academic Loan Program Revolving Fund. Participating businesses shall offer paid or for college credit internships as negotiated between the student and the business. The businesses shall report to the commission once the student internship is completed. The report shall include whether the former intern was offered permanent employment once the student internship or graduation requirements were completed, reasons given for declining the offer if it was not accepted, and pertinent information as determined by the commission to help evaluate the program. The businesses shall also meet exemplary criteria as determined by the department in rules and regulations. The department in cooperation with the commission shall also recruit businesses to participate in the Governor's Quality Work Force Honor Roll that will provide internships in fields which are identified as high-priority work force needs.

(3) The department shall, in cooperation with the commission, develop a program for matching recipients of loans under the Quality Work Force Academic Loan Program Act with appropriate internships at honor roll businesses. Postsecondary educational institutions participating in the Quality Work Force Academic Loan Program shall be notified concerning internships that are available but have not been filled by loan recipients.

(4) The department shall adopt and promulgate rules and regulations to implement this section.

Sec. 5. (1) The Quality Work Force Academic Loan Program is created. The Coordinating Commission for Postsecondary Education shall administer the program and shall adopt and promulgate rules and regulations to implement the Quality Work Force Academic Loan Program Act.

(2) Loans pursuant to the program shall be limited to part-time and full-time Nebraska resident students who are enrolled at one of the participating postsecondary educational institutions. Priority shall be given to students who have completed at least

one-half of the credit hours necessary to receive a baccalaureate degree or are enrolled in a graduate program. Loans shall be limited to students enrolled in a degree, diploma, or certificate program and shall not be made to students enrolled in customized courses and programs for which industry is providing over fifty percent of the financial support, either directly or indirectly, and for which the students are not being charged tuition or mandatory fees by the postsecondary educational institution.

(3) Loans pursuant to the program shall be funded from the Quality Work Force Academic Loan Program Revolving Fund and shall be made to students through postsecondary educational institutions in conjunction with the commission on the basis of academic excellence, achievements, career goals, and the students' potential for successful course or program completion in accordance with rules and regulations adopted and promulgated by the commission. As a secondary criterion, when qualified loan applicants exceed the funds available, the institution shall give preference to students who have enrolled in fields identified as high-priority work force needs as identified by the Department of Economic Development pursuant to section 4 of this act and who have roots in Nebraska.

(4) Loan applicants must also complete an internship experience with a business participating on the Governor's Quality Work Force Honor Roll at or before graduation, with exceptions identified by the commission. The commission shall create procedures for setting internship requirements.

(5) For full-time students enrolled in a degree, diploma, or certificate program, loans shall be made on an annual basis in an amount equal to full tuition and mandatory fees per year not to exceed three thousand dollars for a full-time student at each participating postsecondary educational institution. The loans shall also not be less than one quarter of the student's tuition and mandatory fees. The commission may adjust loan limits based on average tuition increases. Loans shall not be made to individual students for a cumulative period exceeding five years. For part-time and nontraditional students, the commission shall develop appropriate policies which are consistent with policies developed for full-time students.

(6) Loans shall only be made through a participating postsecondary educational institution to the student. Participating postsecondary educational institutions shall be regionally or nationally accredited public, nonprofit, or private postsecondary educational institutions headquartered in Nebraska which comply with the act and the rules and regulations adopted by the commission. The commission may create an application, audit, and approval process for participating postsecondary educational institutions and shall require such institutions to provide information necessary to establish and maintain an information data base described in section 3 of this act.

(7) The amount of funding available for each type of loan shall be divided among all participating postsecondary educational institutions annually for utilization by students attending the institutions, based on a distribution formula as determined by the commission.

(8) The commission shall define internship experience based on the requirements of participating institutions.

Sec. 6. The Quality Work Force Academic Loan Program Revolving Fund is created. The fund shall consist of appropriations by the Legislature, loan repayments, penalties, interest payments, contributions and fees from businesses, and any other funds received in the process of administering the program. When appropriated by the Legislature, any balance in the fund may be disbursed to participating postsecondary educational institutions for loans under the Quality Work Force Academic Loan Program or for the costs incurred in administering the program. 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 fund shall be administered by the Coordinating Commission for Postsecondary Education. In annual funding requests, the commission shall not assume there will be an increase in appropriations. To sustain the program, the appropriated amounts each year shall fund the program for four years.

Sec. 7. (1) To be eligible for a loan under the Quality Work Force Academic Loan Program, a full-time student shall sign a contractual agreement with the Coordinating Commission for Postsecondary Education at the time the loan is awarded. The agreement shall establish the requirement that if the student is not employed full-time in Nebraska following the completion of his or her chosen program for a time period equal to the number of years the student received loans, if the student has not completed the requisite hours of internship experience with a participating business on the Governor's Quality Work Force Honor Roll with exceptions as identified by the commission, or if the student does not complete the requirements for graduation within five consecutive years, the amount awarded must be repaid with interest at the rate fixed pursuant to section 45-103 as of the date the student signed the contract and an appropriate penalty as determined by the commission. The commission may by rules and regulations make exceptions to the condition for mitigating circumstances. For part-time and nontraditional students, the commission shall develop appropriate policies which are consistent with the policies established for full-time students. A student receiving a loan shall agree in writing to use the loan for tuition and mandatory fees only. Proof of internship or work experience must be submitted to the commission by the loan recipient at or before graduation, with exceptions identified by the commission. The employment obligations shall begin within six months after the

student has completed the course of study for which the loan or loans were received. If the student successfully completes the program of study, completes the internship program, becomes employed within the state, and otherwise meets the requirements of the contract for the loan program payments are suspended for the number of years that the applicant is required to remain employed in Nebraska under the contract. After completion of the required period of full-time employment in Nebraska, the loan is forgiven.

(2) The commission has the administrative responsibility of tracking students who participate in the loan program and developing repayment tracking and collection mechanisms, including the authority to contract for services. The commission shall also notify the student, the Department of Revenue, and the United States Internal Revenue Service when the student completes all of the requirements for forgiveness of the loan and the loan amount becomes taxable income.

Sec. 8. (1) If the recipient of a loan under the Quality Work Force Academic Loan Program Act discontinues attendance at the postsecondary educational institution before the end of the loan period, the granting institution may redistribute to other eligible students any loan balance returned, in accordance with its policy. Loan funds not distributed or redistributed within the year in which the funds were allocated shall be returned to the commission by the postsecondary educational institution.

(2) The Coordinating Commission for Postsecondary Education shall establish a reasonable and fair appeal procedure for students and institutions which have been adversely affected by the actions of the commission or of participating institutions in the distribution of loans pursuant to the act.

Sec. 9. The Coordinating Commission for Postsecondary Education shall require an annual report on the Quality Work Force Academic Loan Program from each participating institution. On or before December 15 of each year, the commission shall present a report to the Governor and the Clerk of the Legislature providing, at a minimum, detail by institution, high-priority work force needs areas, and the full-time or part-time status of the students receiving the loans. The report shall include a financial statement and a description of the activity in the Quality Work Force Academic Loan Program Revolving Fund.

Sec. 10. The Work Nebraska Program is created and shall be administered by the Department of Economic Development. The purposes of the program are to (1) identify and recruit potential employees for current and future Nebraska employers, (2) establish, supplement, and promote training programs to enhance the skills of current and future employees, and (3) establish and maintain business or education programs which enhance the training of youth for Nebraska career opportunities.

Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.".

**MR. WESELY PRESIDING**

Messrs. Schrock, Bromm, Preister, and Schmitt asked unanimous consent to be excused. No objections. So ordered.

Pending.

## COMMUNICATION

March 23, 1998

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Sec. 17, the Executive Board met today and approved the Speaker's designation of the following bills as major proposals: LB 59, LB 1028, LB 1209 and LB 1219.

Sincerely,
(Signed) George Coordsen
Chairman, Executive Board

## AMENDMENTS - Print in Journal

Messrs. Wehrbein and Wesely filed the following amendment to LB 1070:
AM4041

(Amendments to E & R amendments, AM7221)

1. Strike sections 2, 3, 7, and 9 and insert the following new sections:

"Sec. 2. The Nebraska Health Care Trust Fund is created. The fund shall include revenue received on or after January 1, 1998, from governmental nursing facilities participating under the requirements for payments for nursing facility services under the medical assistance program established pursuant to section 68-1018. The Department of Health and Human Services Finance and Support shall remit such revenue to the State Treasurer for credit to the fund. The department shall administer the fund and shall adopt and promulgate rules and regulations to establish the procedures for participation by governmental nursing facilities. 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. The Nebraska Tobacco Settlement Trust Fund is created. The fund shall include revenue received from a settlement or judgment awarded to the State of Nebraska as a result of

tobacco-related litigation for compensation for the costs of treating smoking-related illnesses. The Department of Health and Human Services Finance and Support shall remit such revenue to the State Treasurer for credit to the fund. Subject to the terms and conditions of the settlement or judgment, the interest on the revenue shall be transferred to the Excellence in Health Care Trust Fund to be used for grants or loans as provided in section 9 of this act. Any money in the Nebraska Tobacco Settlement Trust 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. 4. The Nursing Facility Conversion Cash Fund is created. The fund shall include revenue transferred from the Nebraska Health Care Trust Fund. The Nursing Facility Conversion Cash Fund shall be used for grants or loans as provided in section 8 of this act after deducting expenses incurred in the administration of the grants or loans. 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. 5. The Children's Health Insurance Cash Fund is created. The fund shall include revenue transferred from the Nebraska Health Care Trust Fund. The Children's Health Insurance Cash Fund shall be used for the state's matching share for children's health insurance under Title XXI of the federal Social Security Act and for expenses incurred in the administration of the program. 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 Excellence in Health Care Trust Fund is created. The fund shall include revenue transferred from the Nebraska Health Care Trust Fund and the Nebraska Tobacco Settlement Trust Fund. The Excellence in Health Care Trust Fund shall be used for grants or loans as provided in section 9 of this act after deducting any expenses incurred in the administration of the grants or loans. 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. 7. (1) The Department of Health and Human Services Finance and Support shall administer the distribution of the money in the Nebraska Health Care Trust Fund as provided in this section.

(2) The department shall:

(a) Direct the State Treasurer to transfer the first forty million dollars placed in the fund, plus interest accruing prior to the transfer, to the Nursing Facility Conversion Cash Fund;

(b) Direct the State Treasurer to transfer the next twenty-five million dollars placed in the Nebraska Health Care Trust Fund, plus interest accruing prior to the transfer, to the

Children's Health Insurance Cash Fund; and

(c) Beginning January 15, 1999, direct the State Treasurer to transfer only the interest accruing on the money in the Nebraska Health Care Trust Fund in excess of the first sixty-five million dollars placed in the fund to the Excellence in Health Care Trust Fund.

(3) If there is an unanticipated reduction in federal medicaid funds pursuant to the generation of revenue from governmental nursing facilities as described in section 2 of this act, the department may use money placed in the Nebraska Health Care Trust Fund for medicaid expenses where the unanticipated reduction occurred.

Sec. 12. Original section 71-6050, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 5, line 1, before "for" insert "from the Nursing Facility Conversion Cash Fund"; and in line 10 strike beginning with "from" through "Fund".

3. On page 6, line 22, strike "Nebraska Health Infrastructure Trust" and insert "Nursing Facility Conversion Cash".

4. On page 8, strike beginning with "funds" in line 13 through "section" in line 14 and insert "the Excellence in Health Care Trust Fund".

5. On page 9, strike line 7; and in line 8 strike "of this act" and insert "money in the Excellence in Health Care Trust Fund".

6. On page 11, line 20, strike "Nebraska Health Infrastructure Trust" and insert "Excellence in Health Care Trust".

7. Renumber the remaining sections and correct internal references accordingly.

Mr. Wesely filed the following amendment to LB 1070:
AM4056

(Amendments to E & R amendments, AM7221)

1. Insert the following new section:

"Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Nebraska Health Care Trust Fund Act.".

2. On page 3, lines 2, 4, 15, and 17, strike "loans" and insert "loan guarantees".

3. On page 5, lines 1 and 13, before "loans" insert "make guarantees of"; in line 9 strike "loans" and insert "loan guarantees"; in lines 16, 19, and 25 after "loan" insert "guarantee"; and in line 24 strike "loans" and insert "making loan guarantees".

4. On page 6, line 13, strike "or loan"; in line 14 after "awarded" insert "or loan guarantee made"; and in lines 23 and 25 after "loan" insert "guarantee".

5. On page 7, lines 3, 9, and 13, strike "loans" and insert "loan guarantees"; in line 10 strike "loans" and insert

"make loan guarantees"; in lines 23 and 26 strike "or loans" and after "awarded" insert "or loan guarantees made"; and in line 27 after "loan" insert "guarantee".

6. On page 8, line 3, strike "are awarded" and insert "receive" and strike "loans" and insert "loan guarantees"; in line 14 strike "loans" and insert "making loan guarantees"; in line 17 strike "community"; in line 18 strike "and" and insert an underscored comma; and strike line 19 and insert "health measures, and environmental health, assessment, and assurance, including services for".

7. On page 9, line 3, strike "and"; and in line 6 after "transmission" insert ", (g) awarding grants for the development and expansion of community-based aging services designed to promote the independent living status of and delay institutional care for elderly persons, including, but not limited to, personal care, respite care, homemaker care, and chore and transportation services, and (h) the state's matching share for children's health insurance under Title XXI of the federal Social Security Act in excess of the funds distributed under subdivision (2)(b) of section 4 of this act".

8. On page 10, line 5, strike "loans" and insert "make loan guarantees"; and in line 16 strike "or loans" and after "awarded" insert "or loan guarantees to be made".

9. On page 11, line 8, after "(g)" insert "laboratory equipment to enable the Department of Health and Human Services Regulation and Licensure to carry out its powers and duties relating to laboratory services, (h)"; in line 9 strike "(h)" and insert "(i)"; in line 13 strike "loans" and insert "loan guarantees"; and in line 14 strike "loans" and insert "make loan guarantees".

10. On page 13, line 9, strike "loans" and insert "making loan guarantees".

11. Renumber the remaining sections and correct internal references accordingly.

Mr. Wickersham filed the following amendment to LB 1120:
AM3991

(Amendments to Standing Committee amendments, AM3364)

1. Strike section 6 and insert the following new section:

"Sec. 6. (1) Rural and suburban fire protection districts or mutual finance organizations which qualify for assistance under section 5 of this act shall receive ten dollars times the assumed population of the fire protection district or mutual finance organization as calculated in subsection (3) of such section. If the district or mutual finance organization is located in more than one county and meets the threshold for qualification in subsection (1) or (2) of section 5 of this act in one of such counties, the district or mutual finance organization shall receive

assistance under this section for all of its assumed population, including that which is assumed population in counties for which the threshold is not reached by the district or mutual finance organization.

(2) If a mutual finance organization qualifies for assistance under this section and one or more rural or suburban fire protection districts or cities or villages fail to levy a tax rate equal to the other districts or cities or villages as required under the mutual finance agreement, the mutual finance organization shall be disqualified for assistance in the following year and each subsequent year until the year following any year for which all districts and cities and villages in the mutual finance organization levy the same tax rate as required by a mutual finance organization agreement.".

2. On page 1, line 7, strike "of the second class".

3. On page 2, line 6, strike "residents of a county" and insert "assumed population of any one county which is contained in whole or in part within the district"; in line 13 after "population" insert "of any one county which is contained in whole or in part within the mutual finance organization"; and in line 18 strike "number of residents" and insert "assumed population".

4. On page 2, line 21; and on page 3, line 8, after "on" insert "the most recent".

5. On page 3, lines 2, 7, and 9, before "estimated" insert "most recent".

6. On page 3, after line 15 insert:

"(d) If the district or mutual finance organization is located in more than one county and the district or mutual finance organization meets the threshold in subsection (1) or (2) of this section in only one county, the district or mutual finance organization shall qualify for assistance under this section.".

7. On page 20, line 1, after "year" insert "and lease-purchase contracts in existence on July 1, 1998,"; in line 5 strike "highest" and insert "high"; in line 6 strike "lowest" and insert "low"; and in line 27 after the period insert "The hearing shall be prior to June 1.".

8. On page 21, line 8, after the period insert "If all rural and suburban fire protection districts for which the county is responsible for allocating levy authority under section 77-3443 agree to a change in boundaries and submit a proposal to change boundaries to the county board prior to the hearing, the county shall adopt the proposal unless it finds that the proposal is not consistent with the fire protection policy in the county as a whole or does not result in levies which comply with the standard described in this section.".

9. Renumber the remaining sections and correct internal references accordingly.

Mr. Maurstad filed the following amendment to LB 1070:
AM4063

1. Insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Native American Public Health Fund Act.

Sec. 2. The Legislature finds that members of Nebraska's federally recognized Native American tribes are not receiving adequate basic public health services, especially in the areas of education and prevention. The leading causes of death among Native American people are largely preventable. Many Native American people suffer from preventable diseases such as diabetes, cardiovascular disease, and alcohol-related fatalities. An alarming number of tribal members engage in health-threatening activities such as smoking, substance abuse, and poor diet. Births to teenaged Native Americans are higher than any other racial group. Unintentional injuries are costing Native American people years of productivity and potential. As a result, the life expectancy among Native Americans is low while the infant mortality rate is high when compared to Nebraska's general population. The problems and future costs associated with a lack of adequate public health services will continue to escalate as seventy percent of tribal members on reservations and in service areas are children.

To protect a generation of Native American children and to provide for a safe, healthy future for future generations of Native American people, the Legislature declares that public health infrastructure focusing on health education and preventative health measures for Native Americans must be addressed.

Sec. 3. The Native American Public Health Fund is created. The fund may include revenue from appropriations from the Legislature, grants, private contributions, and all other sources. It is the intent of the Legislature that each year beginning with fiscal year 1998-99, five hundred thousand dollars shall be transferred from the General Fund to the Native American Public Health Fund. The fund shall be administered by the Department of Health and Human Services.

Sec. 4. The Department of Health and Human Services shall use the Native American Public Health Fund to contract with the health clinics of Nebraska's federally recognized Native American tribes and Indian health organizations to provide educational and public health services targeted to Native American populations. The following educational and public health services may be considered by the department for such contracts:

(1) Identification and enrollment of children in state and federal programs providing access to health insurance or health care;

(2) Efforts to educate children and adults about the health risks associated with smoking and tobacco use, alcohol abuse, and other substances that threaten health and well-being and other activities designed to reduce the rate of substance abuse;

(3) Prenatal care education for women and notification of programs that improve prenatal care;

(4) Education focusing on proper diet and the importance of physical activity to good health;

(5) Blood pressure and cholesterol screenings;

(6) Support of efforts to identify children and adults at risk for depression and other mental health conditions and provide mental health counseling to prevent suicide;

(7) Parenting classes and the promotion of such programs;

(8) Efforts to discourage drinking and driving and to encourage the use of seat belts;

(9) Tests and education for acquired immunodeficiency syndrome and other sexually transmitted diseases;

(10) Tests for pregnancy and referrals to prenatal care when directed;

(11) Educational efforts aimed at reducing teen pregnancies and other unintended pregnancies;

(12) Case management for pregnant women, children, or adults with special health care needs;

(13) Efforts to make health care prevention services more affordable or accessible;

(14) Matching funds for state and federal programs designed to address public health needs;

(15) Staffing needs for public health services or education including the recruitment and training of Native American providers;

(16) Cervical and breast cancer detection services and other prevention components of comprehensive women's health services;

(17) Education to prevent and reduce the occurrence of diabetes; and

(18) Other prevention or educational activities or programs that address the health, safety, or self-sufficiency of Native American persons.

Sec. 5. During each fiscal year, the Director of Health and Human Services shall contract with the health clinics of Nebraska's federally recognized Native American tribes as approved by the tribal councils and Indian health organizations to provide educational and public health services pursuant to section 4 of this act. The director shall fund all eligible contracts until the Native American Public Health Fund is depleted, but shall give priority to contracts which meet the following criteria:

(1) Programs or activities that directly impact the health and well-being of children;

(2) Programs or activities which serve the greater number of people over the longest period of time;

(3) Programs or activities that are part of a larger plan for strategic public health planning and implementation;

(4) Current programs or activities that have demonstrated

success in improving public health or new programs or activities modeled on successful programs and activities; and

(5) Programs or activities that focus on primary prevention and show promise in reducing future health care expenditures.

Sec. 6. The Department of Health and Human Services shall provide technical assistance and assessment of needs evaluations upon request to aid tribal councils in the development of contract proposals.

Sec. 7. The recipients of the Native American Public Health Fund shall submit a report on the activities funded each fiscal year. The report shall provide information as required by the Director of Health and Human Services to determine the effectiveness of the contract in meeting the goals of the Native American Public Health Fund Act.

Sec. 8. If the Director of Health and Human Services determines that services are not being delivered in accordance with the contract, the director may seek to recapture all or a portion of funds expended.

Sec. 9. The Department of Health and Human Services shall adopt and promulgate rules and regulations to carry out the Native American Public Health Fund Act and shall adhere to already established or adopted and promulgated rules and regulations for contracted services under the act.".

2. Renumber the remaining sections and correct internal references accordingly.

## UNANIMOUS CONSENT - Add Cointroducers

Messrs. Jensen and Matzke asked unanimous consent to have their names added as cointroducers to LB 1070. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 1176. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 20 fourth grade students and teacher from North Bend Elementary School; 15 juniors, seniors, and teacher from Hartington Public School; and Jane Miller from Hastings.

The Doctor of the Day was Chris Tomhave from Lincoln.

## ADJOURNMENT

At 7:23 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, March 24, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FORTY-NINTH DAY – MARCH 24, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 24, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen 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 Mmes. Bohlke, Kiel, Messrs. Dierks, Landis, Matzke, Robinson, and Wickersham who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

### AMENDMENTS - Print in Journal

Messrs. Wickersham and Raikes filed the following amendment to LB 1176: AM4037

(Amendments to AM4022)

1. On page 5, line 12 strike "three thousand dollars" and insert "fifty percent of the maximum tuition and mandatory fees per year for a full-time student at the University of Nebraska".

Messrs. Wickersham and Raikes filed the following amendment to LB 1176: AM4039

(Amendments to AM4022)

1. On page 8, line 24, strike "(1)".
2. On page 9, strike lines 5 through 9.

Messrs. Wickersham and Raikes filed the following amendment to LB 1176:
AM4040

(Amendments to AM4022)

1. On page 3, line 5; and page 9, line 19, after "Fund" insert "and Honor Roll Quality Work Force Academic Loan Fund".

2. On page 4, strike beginning with "Loans" in line 19 through line 27 and insert "There shall be two types of quality work force academic loans. Nebraska Quality Work Force Academic Loans shall be funded from the Quality Work Force Academic Loan Program Revolving Fund and shall be made to students through participating postsecondary educational institutions in conjunction with the commission on the basis of financial need, academic excellence, achievements, career goals, and the students' potential for successful course or program completion in accordance with rules and regulations adopted by the commission. Honor Roll Quality Work Force Academic Loans shall be funded from the Honor Roll Quality Work Force Academic Loan Fund and shall be made to students through participating postsecondary educational institutions in conjunction with the commission on the basis of academic excellence, achievements, career goals, and the students' potential for successful course or program completion in accordance with rules and regulations adopted by the commission. As a secondary criterion, when qualified loan applicants exceed the funds available for either type of loan, the institution shall give preference to students who have enrolled in fields identified as high-priority work force needs as identified by the Department of Economic Development pursuant to section 3 of this act.".

3. On page 5, strike lines 1 through 3.

4. On page 6, line 20, before "The" insert "(1)".

5. On page 7, after line 9 insert the following new subsection:

"(2) The Honor Roll Quality Work Force Academic Loan Fund is created. The fund shall consist of appropriations by the Legislature, loan repayments, penalties, interest payments, contributions and fees from businesses, and any other funds received in the process of administering the program. When appropriated by the Legislature, any balance in the fund may be disbursed to participating postsecondary educational institutions for loans under the Quality Work Force Academic Loan Program or for the costs incurred in administering the program. 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 fund shall be administered by the Coordinating Commission for Postsecondary Education. In annual funding requests, the commission shall not assume there will be an increase in appropriations. To sustain the program, the appropriated amounts each year shall fund the program for four years.".

Messrs. Wickersham and Raikes filed the following amendment to LB 1176:
AM4038

(Amendments to AM4022)

1. On page 6, line 22, after "Legislature" insert "for 1998".

2. On page 7, strike beginning with "In" in line 6 through line 9 and insert "The Legislature shall appropriate funds to the Quality Work Force Academic Loan Program Revolving Fund for FY1998-99 only. After FY1998-99, the only sources of funding shall be loan repayments, penalties, interest payments, contributions, fees from businesses, and any other funds received in the process of administering the program. To sustain the program, amounts available in the fund for each year shall fund the program for four years.".

## SELECT FILE

**LEGISLATIVE BILL 1010.** Mr. Tyson renewed his pending amendment, AM3796, found on page 1062.

The Tyson amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Lynch and Hilgert renewed their pending amendment, AM3532, found on page 1136.

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

Mr. Will offered the following amendment:
AM3273

1. Insert the following new section:

"Section 1. Section 48-115, Revised Statutes Supplement, 1997, is amended to read:

48-115. The terms employee and worker are used interchangeably and have the same meaning throughout the Nebraska Workers' Compensation Act. Such terms include the plural and all ages and both sexes and shall be construed to mean:

(1) Every person in the service of the state or of any governmental agency created by it, including the Nebraska National Guard and members of the military forces of the State of Nebraska, under any appointment or contract of hire, expressed or implied, oral or written. For the purposes of the Nebraska Workers' Compensation Act, (a) volunteer firefighters of any fire department of any rural or suburban fire protection district, city, or village, which fire department is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such rural or suburban fire protection district, city, or village while in the performance of their duties as members of such department

and shall be considered as having entered and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a fire station or other place where firefighting equipment that their company or unit is to use is located or to any emergency that the volunteer firefighters may be officially called to participate in, (b) members of such volunteer fire department, before they are entitled to benefits under the Nebraska Workers' Compensation Act, shall be recommended by the chief of the fire department for membership therein to the board of directors, the mayor and city commission, the mayor and council, or the chairperson and board of trustees, as the case may be, and upon confirmation shall be deemed employees of the rural or suburban fire protection district, city, or village, (c) members of such fire department after confirmation to membership may be removed by a majority vote of such board of directors, commission, council, or board and thereafter shall not be considered employees of such rural or suburban fire protection district, city, or village, (d) firefighters of any fire department of any rural or suburban fire protection district, city, or village shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside of the corporate limits of their respective districts, cities, or villages, but only if directed to do so by the chief of the fire department or some person authorized to act for such chief, (e) any members of the Nebraska Emergency Management Agency, any city, village, county, or interjurisdictional emergency management organization, or any state emergency response team, which agency, organization, or team is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such agency, organization, or team while in the performance of their duties as members of such agency, organization, or team, (f) any person fulfilling conditions of probation, or community service as defined in section 29-2277, pursuant to any order of any court of this state who shall be working for a governmental body, or agency as defined in section 29-2277, pursuant to any condition of probation, or community service as defined in section 29-2277, shall be deemed an employee of the governmental body or agency for the purposes of the Nebraska Workers' Compensation Act, (g) volunteer ambulance drivers and attendants and out-of-hospital emergency care providers who are members of an emergency medical service for any county, city, or village or any combination of such county, city, or village under the authority of section 13-303 shall be deemed employees of the county, city, or village or combination thereof while in the performance of their duties as ambulance drivers or attendants or out-of-hospital emergency care providers and shall be considered as having entered into and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a hospital or other place where the ambulance they are to use is

located or to any emergency in which the volunteer ambulance drivers or attendants or out-of-hospital emergency care providers may be officially called to participate, but such volunteer ambulance drivers or attendants or out-of-hospital emergency care providers shall be considered as acting in the performance and within the scope of their duties outside of the corporate limits of their respective county, city, or village only if officially directed to do so, (h) before such volunteer ambulance drivers or attendants or out-of-hospital emergency care providers shall be entitled to benefits under the Nebraska Workers' Compensation Act, they shall be confirmed to perform such duties by the county board or the governing body of the city or village or combination thereof, as the case may be, and upon such confirmation shall be deemed employees of the county, city, or village or combination thereof and may be removed by majority vote of such county board or governing body of the city or village, (i) members of a law enforcement reserve force appointed in accordance with section 81-1438 shall be deemed employees of the county or city for which they were appointed, and (j) any offender committed to the Department of Correctional Services who is employed pursuant to section 81-1827 shall be deemed an employee of the Department of Correctional Services solely for purposes of the Nebraska Workers' Compensation Act; and

(2) Every person in the service of an employer who is engaged in any trade, occupation, business, or profession as described in section 48-106 under any contract of hire, expressed or implied, oral or written, including aliens and also including minors, who for the purpose of making election of remedies under the Nebraska Workers' Compensation Act shall have the same power of contracting and electing as adult employees.

As used in subdivisions (1) and (2) of this section, the terms employee and worker shall not be construed to include any person whose employment is not in the usual course of the trade, business, profession, or occupation of his or her employer.

If an employee subject to the Nebraska Workers' Compensation Act suffers an injury on account of which he or she or, in the event of his or her death, his or her dependents would otherwise have been entitled to the benefits provided by such act, the employee or, in the event of his or her death, his or her dependents shall be entitled to the benefits provided under such act, if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state.

(3) Every executive officer of a corporation elected or appointed under the provisions or authority of the charter, articles of incorporation, or bylaws of such corporation shall be an employee of such corporation under the Nebraska Workers'

Compensation Act, except that an executive officer of a Nebraska corporation who owns twenty-five percent or more of the common stock of such corporation may waive his or her right to coverage. Such waiver shall be in writing and filed with the secretary of the corporation and the Nebraska Workers' Compensation Court. Such waiver, as prescribed by the compensation court, shall include a statement in substantially the following form: Notice. I am aware that health and accident insurance policies frequently exclude coverage for personal injuries caused by accident or occupational disease arising out of and in the course of employment. Before waiving my rights to coverage under the Nebraska Workers' Compensation Act, I certify that I have carefully examined the terms of my health and accident coverage. Such waiver shall become effective from the date of receipt by the compensation court and shall remain in effect until the waiver is terminated by the officer in writing and filed with the secretary of the corporation and the compensation court. The termination of the corporate executive officer's waiver shall be effective upon receipt of the termination by the compensation court. It shall not be permissible to terminate a waiver prior to one year after the waiver has become effective.

(4) Each individual employer, partner, limited liability company member, or self-employed person who is actually engaged in the individual employer's, partnership's, limited liability company's, or self-employed person's business on a substantially full-time basis may elect to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act, if he or she (a) files with his or her current workers' compensation insurer written notice of election to have the same rights as an employee only for purposes of workers' compensation insurance coverage acquired by and for such individual employer, partner, limited liability company member, or self-employed person or (b) gives notice of such election and such insurer collects a premium for such coverage acquired by and for such individual employer, partner, limited liability company member, or self-employed person. This election shall be effective from the date of receipt by the insurer for the current policy and subsequent policies issued by such insurer until such time as such employer, partner, limited liability company member, or self-employed person files a written statement withdrawing such election with the current workers' compensation insurer or until such coverage by such insurer is terminated, whichever occurs first. When so included, the individual employer, partner, limited liability company member, or self-employed person shall have the same rights as an employee only with respect to the benefits provided under the Nebraska Workers' Compensation Act. If any individual employer, partner, limited liability company member, or self-employed person who is actually engaged in the individual employer's, partnership's, limited liability company's, or self-employed person's business on a

substantially full-time basis has not elected to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act pursuant to this subdivision and any health, accident, or other insurance policy issued to or renewed by such person after July 10, 1984, contains an exclusion of coverage, if the insured is otherwise entitled to workers' compensation coverage, such exclusion shall be null and void as to such person.

(5) An individual lessor of a commercial motor vehicle leased to a motor carrier and driven by such individual lessor, may elect to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act if he or she agrees in writing with the motor carrier to have the same rights as an employee only for purposes of workers' compensation coverage maintained by the motor carrier. For an election under this subdivision, the motor carrier's principal place of business must be in this state and the motor carrier must be authorized to self-insure liability under the Nebraska Workers' Compensation Act. Such an election shall (a) be effective from the date of such written agreement until such agreement is terminated, (b) be enforceable against such self-insured motor carrier in the same manner and to the same extent as claims arising under the Nebraska Workers' Compensation Act by employees of such self-insured motor carrier, and (c) not be deemed to be a contract of insurance for purposes of Chapter 44. Section 48-111 shall apply to the individual lessor and the self-insured motor carrier with respect to personal injury or death caused to such individual lessor by accident or occupational disease arising out of and in the course of performing services for such self-insured motor carrier in connection with such lease while such election is effective.

(6) Every person who delivers or distributes newspapers for the owner or operator of a newspaper business or the owner or owners of a business hired to deliver or distribute newspapers shall be an employee of such business under the Nebraska Workers' Compensation Act.".

2. On page 16, line 7, after the first comma insert "and section 48-115, Revised Statutes Supplement, 1997,".

3. Renumber the remaining sections accordingly.

Mr. Chambers offered the following amendment to the Will pending amendment:

FA631

Amend AM3273

1. Page 4, line 8, strike "and", and show as stricken;

2. In line 12, after "Act", insert, "and (k) any person who is a member of the University of Nebraska at Lincoln Varsity Football Team."

Messrs. Bruning and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Will requested a roll call vote, in reverse order, on the Chambers amendment.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Maurstad | Robak | Suttle |
| Brashear | Hilgert | Peterson, C. | Schimek | Wesely |
| Chambers | Matzke | Preister | Schmitt | Will |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Bromm | Hudkins | Kristensen | D. Pederson | Tyson |
| Coordsen | Jensen | Landis | Robinson | Wehrbein |
| Crosby | Jones | Lynch | Thompson | Wickersham |
| Engel | | | | |

Present and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Janssen | Schrock | Willhoft |
| Bohlke | Elmer | Raikes. | Stuhr | Witek |
| Brown | Hillman | Schellpeper | Vrtiska | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Bruning | Dierks | Kiel | Pedersen, Dw. |

The Chambers amendment lost with 15 ayes, 16 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Vrtiska requested a record vote on the Will amendment.

Voting in the affirmative, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Landis | Schimek | Wesely | Will |

Voting in the negative, 33:

| | | | | |
|---|---|---|---|---|
| Abboud | Bohlke | Brashear | Bromm | Brown |

| | | | | |
|---|---|---|---|---|
| Coordsen | Hudkins | Maurstad | Schellpeper | Tyson |
| Crosby | Janssen | Pederson, D. | Schrock | Vrtiska |
| Cudaback | Jensen | Peterson, C. | Stuhr | Wehrbein |
| Elmer | Jones | Raikes | Suttle | Willhoft |
| Engel | Kristensen | Robak | Thompson | Witek |
| Hillman | Matzke | Robinson | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Hilgert | Preister | Schmitt | Wickersham |
| Hartnett | Lynch | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Bruning | Dierks | Kiel | Pedersen, Dw. |

The Will amendment lost with 5 ayes, 33 nays, 7 present and not voting, and 4 excused and not voting.

Pending.

**MOTION - Place LB 1099 on General File**

Messrs. Brashear and Lynch renewed their pending motion, found on page 1115, that LB 1099 be placed on General File notwithstanding the action of the Revenue Committee, pursuant to Rule 3, Section 17.

**MR. WEHRBEIN PRESIDING**

Messrs. Jensen, Tyson, Robinson, and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bruning 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. Brashear moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Mr. Chambers requested a roll call vote on the Brashear-Lynch motion to place LB 1099 on General File.

Mrs. Kiel requested the roll call vote be taken in reverse order.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Landis | Pederson, D. | Wehrbein |
| Brashear | Elmer | Lynch | Schrock | Wesely |
| Brown | Engel | Matzke | Suttle | Witek |
| Bruning | Kiel | Maurstad | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Hudkins | Peterson, C. | Thompson |
| Bohlke | Dierks | Janssen | Preister | Vrtiska |
| Bromm | Hartnett | Jones | Robak | Wickersham |
| Chambers | Hilgert | Kristensen | Schellpeper | Will |
| Coordsen | Hillman | Pedersen, Dw. | Stuhr | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Raikes | Schimek | Schmitt | Willhoft |

Excused and not voting, 3:

| | | |
|---|---|---|
| Jensen | Robinson | Tyson |

The Brashear-Lynch motion failed with 18 ayes, 24 nays, 4 present and not voting, and 3 excused and not voting.

## STANDING COMMITTEE REPORTS
### Natural Resources

**LEGISLATIVE BILL 428.** Placed on General File.

**LEGISLATIVE BILL 1322.** Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

## AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 309:
AM4047

1. In the Bromm amendment, AM3629:

a. Strike sections 4, 5, 11, 29, 31, and 32 and insert the following new sections:

"Sec. 9. Section 60-4,148, Revised Statutes Supplement, 1997, is amended to read:

60-4,148. (1) All commercial drivers' licenses shall be issued by the Department of Motor Vehicles as provided in section 60-4,149. Successful applicants shall pay to the county treasurer a fee of ~~forty~~ fifty dollars for an original or renewal commercial driver's license. ~~, except that the fee for a commercial driver's license which will be valid for one year or less shall be fourteen dollars, the fee for a commercial driver's license which will be valid for more than one year but less than two years shall be twenty-two dollars, and the fee for a commercial driver's license which will be valid for two years or more but less than three years shall be thirty-two dollars. If the applicant is an individual, the application shall include the applicant's social security~~

~~number.~~

(2) Any person making application to add or remove a class of commercial motor vehicle, any endorsement, or any restriction to or from a previously issued and outstanding commercial driver's license shall pay a fee of five dollars. The fee for an original or renewal seasonal permit to revalidate the restricted commercial motor vehicle operating privilege to a previously issued and outstanding restricted commercial driver's license shall be five dollars.

(3) One dollar and seventy-five cents of the fees for each original, renewal, duplicate, or replacement commercial driver's license or restricted commercial driver's license and twenty-five cents of each of the original and renewal fees for LPC-learner's permits and seasonal permits shall be credited to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The balance of ~~the~~ such fees ~~provided for by this section~~ shall be remitted by the county treasurer to the State Treasurer for credit to the General Fund.

Sec. 10. Section 60-4,150, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,150. (1) Any person holding a commercial driver's license who loses his or her license, who requires issuance of a replacement license because of a change of name or address, or whose license is mutilated or unreadable may obtain a duplicate or replacement commercial driver's license by filing with an examiner of the Department of Motor Vehicles an application and affidavit and by furnishing proof of identification in accordance with section 60-484.

(2) The application for a replacement license because of a change of name or address shall be made within sixty days after the change of name or address.

(3)(a) Upon the examiner being satisfied that a duplicate or replacement commercial driver's license should be issued, the applicant shall receive such license upon payment of ~~a fee of five dollars~~ the fee prescribed in this subsection to the county treasurer.

(b)(i) Prior to January 1, 1999, the fee for a duplicate or replacement commercial driver's license shall be five dollars.

(ii) Beginning January 1, 1999, the fee shall be six dollars and twenty-five cents. Two dollars and seventy-five cents of the fee shall be credited to the general fund of the county and shall be included by the county treasurer in the report of fees as required by law. One dollar and twenty-five cents of the fee shall be remitted by the county treasurer to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The balance of the fee shall be remitted by the county treasurer to the State Treasurer for credit to the General Fund.

(4) Duplicate and replacement commercial drivers'

licenses shall be issued in the manner provided for the issuance of original and renewal commercial drivers' licenses as provided for by section 60-4,149. ~~No~~ Prior to January 1, 1999, no more than two duplicate commercial drivers' licenses shall be issued to any applicant in any four-year period. Beginning January 1, 1999, no more than two duplicate commercial drivers' licenses shall be issued to any applicant in any five-year period. Upon issuance of any duplicate or replacement commercial driver's license, the commercial driver's license for which the duplicate or replacement license is issued shall be void.

(5) Beginning August 1, 1998, for those persons who have had the expiration date of their commercial drivers' licenses extended, the county treasurer may issue extended commercial drivers' licenses with the extended date printed on them. Such extended commercial drivers' licenses shall be issued if a person files an application with the examiner for an extended replacement commercial driver's license or files an application with the examiner and an affidavit showing a loss of a commercial driver's license for an extended duplicate commercial driver's license, whichever application is appropriate, and proof of identification in accordance with section 60-484. A fee of six dollars and twenty-five cents shall be charged. Three dollars of the fee shall be credited to the general fund of the county and shall be included by the county treasurer in the report of fees as required by law. One dollar and twenty-five cents of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the Department of Motor Vehicles Cash Fund. The balance of the fee shall be remitted to the State Treasurer by the county treasurer for credit to the General Fund.

Sec. 29. Sections 5, 8, 9, 11, and 31 of this act become operative on January 1, 1999. The other sections of this act become operative on their effective date.

Sec. 30. Original sections 28-106, 29-119, 60-490, 60-4,110, 60-4,150, 60-6,196, 60-6,206, 60-6,208, 60-6,209, 60-6,211.01, 60-6,211.02, 60-6,211.03, 60-6,211.05, 83-1,127, and 83-1,129, Reissue Revised Statutes of Nebraska, and sections 60-4,118, 60-4,120, 60-601, 60-6,197, 60-6,205, and 83-1,135, Revised Statutes Supplement, 1996, are repealed.

Sec. 31. Original section 60-4,115, Revised Statutes Supplement, 1996, and sections 60-4,146.01, 60-4,148, and 60-4,181, Revised Statutes Supplement, 1997, are repealed.";

b. On page 1, line 19, after "section" insert "and except for state identification cards issued to persons less than twenty-one years of age"; and in line 22 strike "All" and insert "Except for state identification cards issued to persons less than twenty-one years of age, all";

c. On page 2, line 1, after the period insert "A state identification card issued to a person who is less than twenty-one years of age expires on his or her twenty-first birthday.";

d. On page 7, line 9; page 8, lines 4 and 5; page 14, lines 6 and 7; page 15, lines 3 and 4; page 16, lines 9 and 10; page 17, lines 7 and 8; page 18, lines 1 and 2 and 27; and page 25, line 2, strike "in which the application was filed";

e. On page 8, strike beginning with "filed" in line 9 through "be" in line 11;

f. On page 9, line 1, after "that" insert "for a license which is valid for one year or less, none of the fee shall be credited to the fund,";

g. On page 13, lines 23 and 24; page 14, line 25; page 15, line 26; and page 17, lines 3 and 24, strike "Until December 31, 1998" and insert "Prior to January 1, 1999";

h. On page 16, lines 22 through 24; page 25, lines 20 and 25; and page 26, line 10, strike the new matter;

i. On page 24, strike beginning with "for" in line 21 through "years" in line 22 and show the old matter as stricken; and

j. On page 25, lines 22 through 24, 26, and 27; and page 26, lines 1 through 9, reinstate the stricken matter.

2. In the E & R amendments, AM7206:

a. Strike section 21 and all amendments thereto; and

b. On page 2, line 20, strike "five", show as stricken, and insert "six".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Will filed the following amendment to LB 204:
AM3915

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. Section 29-2264, Revised Statutes Supplement, 1997, is amended to read:

29-2264. (1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of his or her probation for the entire period or is discharged from probation prior to the termination of the period of probation, the sentencing court shall issue an order releasing the offender from probation, and such order shall in all felony cases restore the offender's civil rights.

(2) Whenever any person is convicted of a misdemeanor or felony and is placed on probation by the court or is sentenced to a fine only, he or she may, after satisfactory fulfillment of the conditions of probation for the entire period or after discharge from probation prior to the termination of the period of probation and after payment of any fine, petition the sentencing court to set aside the conviction and, in the court's discretion, expunge the conviction from such person's record. For purposes of this section, expungement means a court order which seals the records and prohibits either the disclosure of the existence of such records or the opening of such records unless such disclosure or

opening is authorized by a court order. Government officials or employees examining records to determine criminal charges or sentences and law enforcement officials examining records for purposes of issuing firearm permits or processing applications for law enforcement positions may open and examine records expunged under this section without obtaining a court order.

(3) In determining whether to set aside the conviction, expunge the records, or set aside the conviction and expunge the records, the court shall consider:

(a) The behavior of the offender after sentencing;

(b) The likelihood that the offender will not engage in further criminal activity; and

(c) Any other information the court considers relevant.

(4) The court may grant the offender's petition and issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. The order shall:

(a) Nullify the conviction; and

(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction.

(5) The setting aside of a conviction in accordance with the Nebraska Probation Administration Act shall not:

(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;

(b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;

(c) Preclude proof of the conviction as evidence of the commission of the misdemeanor or felony whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;

(d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;

(e) Preclude the proof of the conviction as evidence of the commission of the misdemeanor or felony in the event an offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved;

(f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the Nebraska Probation Administration Act; or

(g) Preclude use of the conviction as evidence of commission of the misdemeanor or felony for purposes of determining whether an application filed or a license issued under sections 71-1901 to ~~71-1905~~ 71-1906.02 or 71-1908 to 71-1917 should be denied, suspended, or revoked.

(6) This section shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to, on, or subsequent to June 11, 1993.".

2. On page 1, line 1, strike "sex offenders" and insert "criminal records"; in line 2 after "1996" insert ", and section 29-2264, Revised Statutes Supplement, 1997; to authorize the expungement of criminal convictions"; and in lines 3 and 4 after "certain" insert "sex offender".

3. On page 6, line 4, after "1996" insert ", and section 29-2264, Revised Statutes Supplement, 1997".

4. Renumber the remaining sections accordingly.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 309A.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 309, Ninety-fifth Legislature, Second Session, 1998.

**LEGISLATIVE BILL 1228A.** 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 1228, Ninety-fifth Legislature, Second Session, 1998.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 347.** Introduced by Beutler, 28.

PURPOSE: The legal relationship between coaching and teaching assignments in Nebraska's public schools remains confused at best. Teachers with Masters degrees and demonstrated professional excellence in academic areas are being reduced in force, while teachers with considerably less experience and academic training are being retained solely because they can coach. First-year teachers, who should be concentrating on perfecting their teaching skills, are frequently involuntarily assigned coaching duties which interfere with time needed to perfect teaching skills. Individuals who entered the teaching profession primarily to coach are arbitrarily removed from their coaching positions without any semblance of due process. Parental interference in the act of coaching, including physical assault, is on the increase. In the absence of any due process, unfounded and unsubstantiated student allegations frequently result in loss of coaching assignments. Due to the confusion surrounding this subject, the Legislature shall conduct an interim study of the employment relations and the legal and contractual requirements governing the relationship between coaching and teaching in

the public school of Nebraska, including the legal requirements governing reductions-in-force.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 348.** Introduced by C. Peterson, 35; Hartnett, 45.

PURPOSE: The purpose of this resolution is to systematically examine the duties of the public defender. Focus shall be given to the practical budget impacts of the constitutional and statutory mandate for public defenders to provide an adequate defense for their charges and the related consequences to counties and the criminal justice process if insufficient funds are provided to any public defender and a defendant is provided with an inadequate defense as a consequence. The study shall include, but is not limited to:

1. A review and evaluation of current law to determine whether or not a public defender's office once established by the county board may be required to represent indigent parties in juvenile proceedings, including the providing of services to certain indigent litigants in state-initiated paternity and contempt of court cases that have a due process right to court-appointed counsel under the 14th Amendment to the United States Constitution. Additionally, do indigent parents and minor children have a right to court-appointed counsel in cases brought under the Nebraska Juvenile Code;

2. An assessment of whether Nebraska law effectively defines the powers and duties of the public defender;

3. A determination as to whether a conflict exists between two statutes bearing on the same subject matter, specifically sections 23-1111 and 23-3403, and calibrate the public defender's budget statute with the general county official's budget statute;

4. Weighing the possibility of imposing overall caseload limits on public defenders throughout the state;

5. How the Legislature may address, through future legislation, if needed, any changes that may be required to more effectively ensure uniformity of services throughout the state;

6. At least one public hearing to provide an opportunity for public comment and discussion with members of the Judiciary Committee of the Legislature and the public on issues involving matters within the committee's jurisdiction; and

7. Any other matters necessary or proper for a complete examination of this issue.

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

1. That the Judiciary Committee of the Legislature shall be designated to

conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 349.** Introduced by C. Peterson, 35; Hartnett, 45; Robinson, 16; Lynch, 13; Preister, 5; Janssen, 15; Schmitt, 41; Dw. Pedersen, 39; Robak, 22; Tyson, 19; Witek, 31.

PURPOSE: The purpose of this resolution is to conduct an interim study of the lop-off provision enacted in Legislative Bill 806, during the 1997 Legislative Session. LB 806 contained several major changes affecting school district reorganization and school finance.

As a result of the lop-off provision, a total of $14 million was lopped from nineteen school systems. $1.7 million was awarded to a total of thirty-nine school systems, and the remaining $12.3 million was distributed through equalization, representing two and one-half percent of the total equalization aid.

The interim study will include, but is not limited to:

(1) An overview of the lop-off provision;

(2) The effect of the lop-off provision on school district spending patterns;

(3) Analysis of how the lop-off provision penalizes district which are low-spending, low-taxing, and efficient;

(4) Determination of whether the existing minimum levy penalty already addresses equity in local support of school districts;

(5) Determination of whether the lop-off provision reduced the equalization aid generated to meet the needs of special populations; and

(6) Any other matters necessary or proper for complete examination of this issue.

The interim study will solicit comments, suggestions, and recommendations from educational and school officials, including board members and superintendents. A public hearing will be held to receive input from all interested parties.

The interim study will review current statutes, identify barriers, whether by reason of current statutory restrictions or practical concerns, and recommend changes in the statutes to provide, facilitate, and equalize educational opportunities and funding for schools across the State of Nebraska. If upon careful analysis the committee determines statutory changes should be made, appropriate legislation will be drafted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 350.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18; Will, 8.

PURPOSE: The purpose of this study is to examine the application of Nebraska's tax programs to participants in the rapidly changing fields of telecommunications and electronic commerce. The study is to examine issues surrounding the sales taxation of telecommunications and electronic commerce and the goods and services provided through such technologies, the apportionment of income to Nebraska of businesses involved in such technologies, the assessment of property of such businesses for purposes of taxation, the imposition and equitable allocation of franchise or other excise taxes to such businesses, and the proper reach of nexus rules to fairly impose all tax regimes on such entities. The study shall also monitor federal proposals to preempt state action in these areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 351.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18; Will, 8; and Brashear, 4.

PURPOSE: The Nebraska state sales tax has been a subject of increasing discussion in recent years. Proposals to exempt transactions involving certain goods or services, transactions of certain organizations, certain transactions involving third parties, and other transactions involving unique circumstances have proliferated. As commercial activity in the state becomes more and more complicated, involving more and more transactions with regard to a single act of consumption, traditional rules have become harder to apply. This study is to examine the state sales tax base rate and administration with particular emphasis on its horizontal and vertical equity, economic neutrality, stability and elasticity, simplicity and ease of administration, and accountability.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 352.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18; Will, 8.

PURPOSE: The Nebraska income tax, both individual and corporate, has been a subject of increasing debate in recent years. There has not been a comprehensive review of the structure of the income tax since the individual income tax was decoupled from federal tax liability and coupled to federal adjusted gross income in 1987. Corporate income tax has seen many proposals for change in recent years with regard to apportionment rules. The purpose of this study is to examine the corporate and individual income tax in Nebraska particularly with regard to horizontal and vertical equity, economic neutrality, elasticity and stability, simplicity and ease of administration, and accountability.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 353.** Introduced by Wickersham, 49.

PURPOSE: This study is to examine the tax challenges presented by the proliferation of opportunities to purchase liquor and tobacco through mail order. The study shall examine the state's ability to assure the proper collection of excise and sales or use tax on such purchases and make recommendations regarding the collection of such taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 354.** Introduced by Wickersham, 49; Brashear, 4.

PURPOSE: The purpose of this resolution is to examine the possibility of providing new classifications of municipal law enforcement personnel. LB 1117, Ninety-fifth Legislature, Second Session, 1998, would have provided for the creation of a new class of officers called constables, which could have had limited citation power and no arrest power, while at the same

time removing some routine responsibilities from more qualified police officers. This study is to examine the possibility of allowing such a classification of municipal law enforcement officer and determining the proper match between jurisdiction and required training.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 355.** Introduced by Preister, 5.

PURPOSE: (1) With the trend toward greater competition in the natural gas industry and the emergence of customer choice programs, many concerns have arisen in the past year. The following questions are intended to focus on issues that a legislative study must address and report:

(a) Does the Municipal Natural Gas Regulation Act provide for sufficient regulatory authority and process to reflect the changes in the natural gas industry?;

(b) Should a municipality as the natural gas regulatory body have the authority to regulate natural gas services, including intrastate transportation, meter charges, hook-up fees, later payment charges, classification of customers, discounts to certain customers, and other fees charged by the gas distribution system?;

(c) Should the regulatory body regulate gas suppliers to ensure reliability?;

(d) How should natural gas services to areas outside city limits be regulated?; and

(e) Should all natural gas customers be allowed to have a choice in determining their supplier of natural gas?

(2) Because choice of natural gas suppliers is currently being offered to some customers, a study is necessary to determine a legislative answer to these and other questions. The public interest must be protected by investigating:

(a) The modification of the natural gas regulatory process to encourage, protect, and promote effective competition in the natural gas market;

(b) The monitoring and mitigation of the exercise of market power by suppliers, and, if necessary, their regulation;

(c) Methods to ensure continued reliable gas service; and

(d) The education of customers so that they shall make informed purchasing choices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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.

## VISITORS

Visitors to the Chamber were 36 seventh grade students and teacher from Sandy Creek School; 50 fourth grade students and teachers from Norris Elementary School, Firth; Jeff, Pat, Christa, and Jan James from Omaha; and a group from the Diocesan Councils of Catholic Women from across the state.

## RECESS

At 11:59 a.m., on a motion by Speaker 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 Messrs. Abboud, Cudaback, Dierks, Engel, Jensen, Jones, Kristensen, Landis, Matzke, Maurstad, Raikes, Robinson, Tyson, Will, Mmes. Brown, Hillman, Robak, and Stuhr who were excused until they arrive.

## RESOLUTION

**LEGISLATIVE RESOLUTION 356.** Introduced by Wehrbein, 2.

PURPOSE: The purpose of this resolution is to conduct an interim study of federal, state, and local funding mechanisms in order to encourage public-private partnerships so as to preserve the agricultural use of existing farmland.

The interim study shall include, but not be limited to:

(1) An examination and analysis of the economic impact of agriculture upon the State of Nebraska and state historical trends, causes, and resulting consequences of the conversion of land utilized primarily for agricultural purposes to non-agricultural purposes;

(2) The identification of voluntary methods and incentives for preserving and maintaining land for agricultural production;

(3) Recommendations for enhancing the continued vitality of agricultural activity in order to retain land for agricultural use; and

(4) Any other matters necessary or proper for the complete examination of this issue.

The interim study shall solicit comments, suggestions, and

recommendations from representatives from the fields of: Agriculture; the environment; academia; state, county, and municipal governments; and business, and any other field or discipline deemed necessary. A public hearing shall be held to receive input from all interested parties.

The interim study shall review current state statutes, identify existing provisions which either facilitate or discourage the retention of farmland for agricultural purposes, and recommend possible statutory changes to better provide for the preservation of existing farmland for agricultural purposes. If, upon careful analysis, a determination is reached that statutory changes should be pursued, appropriate legislation shall be drafted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 1229.** The Bohlke pending amendment, FA630, found on page 1266, was renewed.

The Bohlke amendment was adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1229A.** Mrs. Bohlke renewed her pending amendment, AM3656, found on page 1022.

The Bohlke amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1070.** E & R amendment, AM7221, printed separately and referred to on page 1101, was adopted.

Mrs. Witek asked unanimous consent to replace her pending amendment, AM3448, found on page 887, with a substitute amendment. No objections. So ordered.

Mrs. Witek withdrew her amendment, AM3448, found on page 887.

Mrs. Witek renewed her substitute pending amendment, AM3734, found on page 1188.

Messrs. Vrtiska, Abboud, Brashear, Kristensen, D. Pederson, Wickersham, Raikes, and Bruning 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 13 ayes, 0 nays, and 36 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 3:

| | | |
|---|---|---|
| Maurstad | Pedersen, Dw. | Witek |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Beutler | Hillman | Matzke | Robinson | Thompson |
| Chambers | Hudkins | Peterson, C. | Schimek | Wehrbein |
| Crosby | Kiel | Preister | Stuhr | Wesely |
| Hilgert | Lynch | Robak | Suttle | |

Present and not voting, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Engel | Jones | Schrock |
| Bohlke | Cudaback | Hartnett | Schellpeper | Tyson |
| Bromm | Dierks | Janssen | Schmitt | Willhoft |
| Brown | Elmer | Jensen | | |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Brashear | Kristensen | Pederson, D. | Vrtiska | Will |
| Bruning | Landis | Raikes | Wickersham | |

The Witek amendment lost with 3 ayes, 19 nays, 18 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 357.** Introduced by Wickersham, 49.

PURPOSE: 1. Nebraska law contains many statutory provisions dealing with the transfer of surface water which may be affected by federal law and the law of other states, as well as Nebraska case law.

2. Rights to transfer surface water out of a stream to lands within the basin

of origin have been exercised since the adoption of the Raynor Irrigation Act of 1895.

3. Transfer of surface water from one river basin to another has been allowed by Nebraska statutes since 1981.

4. It is a proper and necessary function of state government to provide the statutory framework for the orderly transfer of water to ensure that the rights of individual landowners and the welfare of the citizens of this state are protected.

5. The impact that federal law can have on Nebraska law has previously been demonstrated by court decisions which limit the ability of states to control interstate transfers.

6. Incentives to conserve water and transfer it to alternative uses without diminishing water supplies and adversely affecting basins of origin may be a means to supplement water demands.

7. It is timely to identify and address current legal and physical requirements to the transfer of surface water for differing uses as well as the social, environmental, and economic advantages and disadvantages.

8. Statewide public input should be sought in order to discuss all aspects of the transfer of surface water including potential changes in state law.

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

1. That a committee of the Legislature shall be designated to conduct an interim study designed to determine whether Nebraska law should be changed to authorize the transfer of surface water rights for the purpose of changing the use of the water. Individuals and representatives of organizations with a demonstrated interest in the use of surface water in this state are encouraged to participate with the committee in its examination of the issues presented by this interim study resolution.

2. That the committee shall upon the conclusion of its 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 Matzke, 47.

PURPOSE: To provide oversight during the implementation of the federal Adoption and Safe Families Act of 1997 in Nebraska, the Health and Human Services Committee of the Legislature will examine a number of child welfare issues. The study may include, but shall not be limited to, the following areas: The capacity and role of the adoption services division within the Department of Health and Human Services; the adequacy and availability of legal resources for the adjudication and defense of child welfare cases; the training provided to caseworkers, foster parents, Foster Care Review Board members, county attorneys, guardians ad litem, defense attorneys, and service providers in the area of permanency planning, termination of parental rights, and transition to adoption; and the state's capacity to maintain demographic and tracking information on every child and family in the system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 359.** Introduced by Judiciary Committee: Brashear, 4, Chairperson; Abboud, 12; Hilgert, 7; Hudkins, 21; Jones, 43; and Wehrbein, 2.

PURPOSE: During the 1998 legislative session, Senator Roger R. Wehrbein introduced Legislative Bill 1018. The bill amended the criminal procedure statutes which provide that courts collect obligations owed to the courts for fines and costs resulting from an order or judgment in a criminal or traffic matter. The purpose of this interim study is to consider whether the State Court Administrator should have the authority to enter into contracts on behalf of a requesting court with a licensed collection agency for the purpose of collecting debts owed the court by an offender who fails to pay a fine and costs owed upon the date set forth in a court order.

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

1. That the Judiciary committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 360.** Introduced by Judiciary Committee: Brashear, 4, Chairperson; Abboud, 12; Hilgert, 7; Hudkins, 21; Jones, 43.

PURPOSE: The purpose of this interim study is to consider whether Nebraska should enact the Uniform Child Custody Jurisdiction and Enforcement Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 361.** Introduced by Judiciary Committee: Brashear, 4, Chairperson; Abboud, 12; Hilgert, 7; Hudkins, 21; Jones, 43; and Wehrbein, 2.

PURPOSE: During the 1998 legislative session, Senator Roger R. Wehrbein introduced Legislative Bill 984. The bill was introduced in response to recent decisions of the Nebraska Supreme Court and Court of Appeals applying the doctrine of res ipsa loquitur to cases involving the collision of motor vehicles with livestock on public highways. The purpose of this interim study is to examine the doctrine of res ipsa loquitur and the desirability of enacting legislation similar to LB 984 in Nebraska. This interim study includes, but is not limited to, an overview of whether other states have such legislation and the effect, if any, of such legislation in those other states.

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

1. That the Judiciary and Agriculture Committees of the Legislature 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 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 362.** Introduced by Judiciary Committee: Brashear, 4, Chairperson; Abboud, 12; Hilgert, 7; Hudkins, 21; Jones, 43.

PURPOSE: During the 1998 legislative session, Legislative Bill 1127 was introduced by Senator Jennie Robak. The bill created a juvenile division within the Attorney General's office for the purpose of assisting in the preparation for trial and in the prosecution of any case involving abuse, neglect, or other issues impacting dependant children. In addition, the bill provided a procedure for the consistent reporting of the deaths of children ten years old and younger. This interim study includes, but is not limited to, the following:

(1) The need for a separate juvenile division within the Attorney General's office;

(2) The current jurisdiction of the State Child Death Review Team in relationship to the requirement that the review of the cause of death of children ten years old and younger be under the jurisdiction of the Attorney General; and

(3) The clarification of current language in LB 1127 establishing procedures for reviewing the death of a child as opposed to the formulations of some general guidelines by another governmental entity to be followed by local agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 363.** Introduced by Judiciary Committee: Brashear, 4, Chairperson; Abboud, 12; Hilgert, 7; Hudkins, 21; Jones, 43.

PURPOSE: The Administrative Procedure Act requires that certain agency standards, criteria, guidelines, rules, regulations, policies, and procedures of government be promulgated pursuant to the act. The Department of Correctional Services is currently permitted to implement certain administrative rules and regulations beyond the purview of the act. However, some of the rules and regulations adopted by the department affect the rights, privileges, and opportunities of inmates incarcerated in state correctional facilities. Therefor, the purpose of this interim study is to study the public policy considerations that are the basis for the promulgation requirements of the act to determine whether such considerations are also applicable to those administrative rules and regulations adopted by the department. The interim study includes, but is not limited to, the following:

(1) The content and objective of the department's administrative rules and regulations;

(2) The applicability or absence thereof of the act to such administrative rules and regulations;

(3) The desirability and feasibility of adopting and promulgating some or all such administrative rules and regulations implemented by the department beyond the purview of the act pursuant to the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 conduct the interim study in conjunction with the staff of the Ombudsman's Office and the Legislative Research Division and that the committee shall seek input from outside sources, including input from representatives of the Department of Correctional Services and affected inmates.

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 364.** Introduced by Judiciary Committee: Brashear, 4, Chairperson; Abboud, 12; Hilgert, 7; Hudkins, 21; Jones, 43.

PURPOSE: During the 1998 legislative session, Legislative Bill 1317 was introduced by Senator Jennie Robak. The bill authorized each separate juvenile court judicial district and each county court judicial district that

does not have a separate juvenile court to establish a teen court program. The purpose of this interim study is to examine the teen court programs already established in Lancaster and Sarpy counties and to determine what enabling legislation would be appropriate for promoting the establishment of teen courts statewide, if the interim study determines such legislation is necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 365.** Introduced by Hartnett, 45; Wickersham, 49.

PURPOSE: The purpose of this study is to examine the issue of tax increment financing as a tool for economic development. The study would examine the impact of projects on the economy of the surrounding area, the cost of the diversion of the tax increment to the local governments, including schools and others having no discretion to deny the granting of the benefit, and possible methods of compensating other local governments, including the sharing of sales tax revenue as proposed by Legislative Bill 415, Ninety-fifth Legislature, Second Session, 1998.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 FILE

**LEGISLATIVE BILL 1070.** Mrs. Witek asked unanimous consent to replace her pending amendment, AM3449, found on page 890, with a substitute amendment. No objections. So ordered.

Mrs. Witek withdrew her amendment, AM3449, found on page 890.

Mrs. Witek renewed her substitute pending amendment, AM3826, found on page 1084.

Messrs. Dierks and Wickersham 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 9 ayes, 0 nays, and 40 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Engel | Jones | Schmitt | Tyson |
| Bromm | Hilgert | Maurstad | Schrock | Witek |
| Elmer | Jensen | Schellpeper | Stuhr | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Beutler | Hillman | Landis | Robinson | Wehrbein |
| Bohlke | Janssen | Lynch | Schimek | Wesely |
| Crosby | Kiel | Matzke | Thompson | |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Pedersen, Dw. | Preister | Vrtiska |
| Coordsen | Hudkins | Peterson, C. | Robak | Willhoft |
| Cudaback | | | | |

Absent and not voting, 2:

| | |
|---|---|
| Brown | Suttle |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Brashear | Dierks | Pederson, D. | Wickersham | Will |
| Bruning | Kristensen | Raikes | | |

The Witek amendment lost with 14 ayes, 14 nays, 11 present and not voting, 2 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Preister and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad reoffered his amendment, AM3519, found on page 973.

Mr. Maurstad asked unanimous consent to replace his pending amendment, AM3519, found on page 973, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew his amendment, AM3519, found on page 973.

Mr. Maurstad offered the following substitute amendment:
AM4094

1. Insert the following new sections:

"Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Native American Public Health Fund Act.

Sec. 2. The Legislature finds that members of Nebraska's federally recognized Native American tribes are not receiving adequate basic public health services, especially in the areas of education and prevention. The leading causes of death among Native American people are largely preventable. Many Native American people suffer from preventable diseases such as diabetes, cardiovascular disease, and alcohol-related fatalities. An alarming number of tribal members engage in health-threatening activities such as smoking, substance abuse, and poor diet. Births to teenaged Native Americans are higher than any other racial group. Unintentional injuries are costing Native American people years of productivity and potential. As a result, the life expectancy among Native Americans is low while the infant mortality rate is high when compared to Nebraska's general population. The problems and future costs associated with a lack of adequate public health services will continue to escalate as seventy percent of tribal members on reservations and in service areas are children.

To protect a generation of Native American children and to provide for a safe, healthy future for future generations of Native American people, the Legislature declares that public health infrastructure focusing on health education and preventative health measures for Native Americans must be addressed.

Sec. 3. The Department of Health and Human Services shall use the Native American Public Health Fund to contract with the health clinics of Nebraska's federally recognized Native American tribes and Indian health organizations to provide educational and public health services targeted to Native American populations. The following educational and public health services may be considered by the department for such contracts:

(1) Identification and enrollment of children in state and federal programs providing access to health insurance or health care;

(2) Efforts to educate children and adults about the health risks associated with smoking and tobacco use, alcohol abuse, and other substances that threaten health and well-being and other activities designed to reduce the rate of substance abuse;

(3) Prenatal care education for women and notification of programs that improve prenatal care;

(4) Education focusing on proper diet and the importance of physical activity to good health;

(5) Blood pressure and cholesterol screenings;

(6) Support of efforts to identify children and adults at risk for depression and other mental health conditions and provide mental health counseling to prevent suicide;

(7) Parenting classes and the promotion of such programs;

(8) Efforts to discourage drinking and driving and to encourage the use of seat belts;

(9) Tests and education for acquired immunodeficiency syndrome and other sexually transmitted diseases;

(10) Tests for pregnancy and referrals to prenatal care when directed;

(11) Educational efforts aimed at reducing teen pregnancies and other unintended pregnancies;

(12) Case management for pregnant women, children, or adults with special health care needs;

(13) Efforts to make health care prevention services more affordable or accessible;

(14) Matching funds for state and federal programs designed to address public health needs;

(15) Staffing needs for public health services or education including the recruitment and training of Native American providers;

(16) Cervical and breast cancer detection services and other prevention components of comprehensive women's health services;

(17) Education to prevent and reduce the occurrence of diabetes; and

(18) Other prevention or educational activities or programs that address the health, safety, or self-sufficiency of Native American persons.

Sec. 4. During each fiscal year, the Director of Health and Human Services shall contract with the health clinics of Nebraska's federally recognized Native American tribes as approved by the tribal councils and Indian health organizations to provide educational and public health services pursuant to section 3 of this act. The director shall fund all eligible contracts until the Native American Public Health Fund is depleted, but shall give priority to contracts which meet the following criteria:

(1) Programs or activities that directly impact the health and well-being of children;

(2) Programs or activities which serve the greater number of people over the longest period of time;

(3) Programs or activities that are part of a larger plan for strategic public health planning and implementation;

(4) Current programs or activities that have demonstrated success in improving public health or new programs or activities modeled on successful programs and activities; and

(5) Programs or activities that focus on primary prevention and show promise in reducing future health care expenditures.

Sec. 5. The Department of Health and Human Services shall provide technical assistance and assessment of needs evaluations upon request to aid tribal councils in the development

of contract proposals.

Sec. 6. The recipients of the Native American Public Health Fund shall submit a report on the activities funded each fiscal year. The report shall provide information as required by the Director of Health and Human Services to determine the effectiveness of the contract in meeting the goals of the Native American Public Health Fund Act.

Sec. 7. If the Director of Health and Human Services determines that services are not being delivered in accordance with the contract, the director may seek to recapture all or a portion of funds expended.

Sec. 8. The Department of Health and Human Services shall adopt and promulgate rules and regulations to carry out the Native American Public Health Fund Act and shall adhere to already established or adopted and promulgated rules and regulations for contracted services under the act.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Maurstad offered the following amendment to his pending amendment: FA632

Amend AM4094

Line 5: remove "and". Put in a comma after "tribes" and add after "organizations": "or other public health organizations that have a substantial Native American clientele"

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

The Maurstad amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Maurstad amendment, as amended, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mrs. Witek withdrew her amendment, AM3735, found on page 1061.

Mrs. Crosby renewed her pending amendment, AM3853, found on page 1133.

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

The Crosby amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely asked unanimous consent to replace his pending amendment, AM3993, found on page 1233, with a substitute amendment. No objections. So ordered.

Mr. Wesely withdrew his amendment, AM3993, found on page 1233.

Mr. Wesely renewed his substitute pending amendment, AM4056, found on page 1275.

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

The Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Wehrbein and Wesely asked unanimous consent to replace their pending amendment, AM4041, found on page 1273, with a substitute amendment. No objections. So ordered.

Messrs. Wehrbein and Wesely withdrew their amendment, AM4041, found on page 1273.

Messrs. Wehrbein and Wesely offered the following substitute amendment: AM4084

(Amendments to E & R amendments, AM7221)

1. Strike sections 2, 3, 7, and 9 and insert the following new sections:

"Sec. 2. The Nebraska Health Care Trust Fund is created. The fund shall include revenue received on or after January 1, 1998, from governmental nursing facilities participating under the requirements for payments for nursing facility services under the medical assistance program established pursuant to section 68-1018. The Department of Health and Human Services Finance and Support shall remit such revenue to the State Treasurer for credit to the fund. The department shall administer the fund and shall adopt and promulgate rules and regulations to establish the procedures for participation by governmental nursing facilities. 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. The Nebraska Tobacco Settlement Trust Fund is created. The fund shall include revenue received from a settlement or judgment awarded to the State of Nebraska as a result of tobacco-related litigation for compensation for the costs of treating smoking-related illnesses. The Department of Health and Human Services Finance and Support shall remit such revenue to the State Treasurer for credit to the fund. Subject to the terms and conditions of the settlement or judgment, the interest on the revenue shall be transferred to the Excellence in Health Care Trust

Fund to be used for grants or loan guarantees as provided in section 9 of this act. Any money in the Nebraska Tobacco Settlement Trust 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. 4. The Nursing Facility Conversion Cash Fund is created. The fund shall include revenue transferred from the Nebraska Health Care Trust Fund. The Nursing Facility Conversion Cash Fund shall be used for grants or loan guarantees as provided in section 8 of this act after deducting expenses incurred in the administration of the grants or loan guarantees. 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. 5. The Children's Health Insurance Cash Fund is created. The fund shall include revenue transferred from the Nebraska Health Care Trust Fund. The Children's Health Insurance Cash Fund shall be used for the state's matching share for children's health insurance under Title XXI of the federal Social Security Act and for expenses incurred in the administration of the program. 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 Excellence in Health Care Trust Fund is created. The fund shall include revenue transferred from the Nebraska Health Care Trust Fund and the Nebraska Tobacco Settlement Trust Fund. The Excellence in Health Care Trust Fund shall be used for grants or loan guarantees as provided in section 9 of this act after deducting any expenses incurred in the administration of the grants or loan guarantees. 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. 7. (1) The Department of Health and Human Services Finance and Support shall administer the distribution of the money in the Nebraska Health Care Trust Fund as provided in this section.

(2) The department shall:

(a) Direct the State Treasurer to transfer the first forty million dollars placed in the fund, plus interest accruing prior to the transfer, to the Nursing Facility Conversion Cash Fund;

(b) Direct the State Treasurer to transfer the next twenty-five million dollars placed in the Nebraska Health Care Trust Fund, plus interest accruing prior to the transfer, to the Children's Health Insurance Cash Fund; and

(c) Beginning January 15, 1999, direct the State Treasurer to transfer only the interest accruing on the money in the Nebraska Health Care Trust Fund in excess of the first sixty-five million dollars placed in the fund to the Excellence in

Health Care Trust Fund.

(3) If there is an unanticipated reduction in federal medicaid funds pursuant to the generation of revenue from governmental nursing facilities as described in section 2 of this act, the department may use money placed in the Nebraska Health Care Trust Fund for medicaid expenses where the unanticipated reduction occurred.

Sec. 12. Original section 71-6050, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 5, line 1, before "for" insert "from the Nursing Facility Conversion Cash Fund"; and in line 10 strike beginning with "from" through "Fund".

3. On page 6, line 22, strike "Nebraska Health Infrastructure Trust" and insert "Nursing Facility Conversion Cash".

4. On page 8, strike beginning with "funds" in line 13 through "section" in line 14 and insert "the Excellence in Health Care Trust Fund".

5. On page 9, strike line 7; and in line 8 strike "of this act" and insert "money in the Excellence in Health Care Trust Fund".

6. On page 11, line 20, strike "Nebraska Health Infrastructure Trust" and insert "Excellence in Health Care Trust".

7. Renumber the remaining sections and correct internal references accordingly.

Mmes. Bohlke and Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

The Wehrbein-Wesely amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Maurstad asked unanimous consent to replace his pending amendment, AM4063, found on page 1278, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew his amendment, AM4063, found on page 1278.

Mr. Maurstad offered the following substitute amendment:
AM4104

(Amendments to AM4094)

1. On page 1, line 3; page 4, line 25; and page 5, line 5, strike "Fund".

2. On page 2, strike line 3 and insert "shall contract with".

3. On page 4, strike line 2 and insert "appropriation to this program is depleted, but shall give"; in line 20 after "of"

insert "funds under"; and in line 21 strike "Fund" and insert "Act".

The Maurstad amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Beutler offered the following amendment:
AM3766

(Amendments to E & R amendments, AM7221)

1. On page 9, line 3, strike "and"; and in line 6 after "transmission" insert ", and (g) awarding grants to promote the health and wellness of Nebraskans through the development of quality outdoor exercise areas and facilities and the rehabilitation of existing areas and facilities".

2. On page 10, line 7; page 11, line 21; and page 12, line 12, strike "(f)" and insert "(g)".

Mrs. C. Peterson, Messrs. Cudaback, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment lost with 3 ayes, 15 nays, 22 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 366.** Introduced by Coordsen, 32; Dierks, 40.

PURPOSE: The purpose of this study is to examine whether there are adequate revenue streams from all sources to allow all school districts within the standard cost grouping pursuant to section 79-1007.02 to provide necessary educational services. This study shall focus on the creation of another cost grouping in addition to the standard, sparse, and very sparse cost groupings used in calculating the needs component of the equalization formula. The study shall also focus on organization, distance, and quality of education provided.

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

1. That the Revenue and Education Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of the findings, together with the recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 367.** Introduced by Wickersham, 49; Landis, 46.

PURPOSE: The enforcement of motor fuel tax collection and reporting has been the subject of legislation and hearings in 1998. Complaints about Department of Revenue enforcement and licensing of motor fuel sales businesses have been received by legislative offices. Alternate collection and information procedures have been addressed by legislation. The purpose of this study is to examine the area of motor fuel sales and tax collection enforcement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 368.** Introduced by Matzke, 47.

WHEREAS, a seven-member team from Potter-Dix High School has been chosen to represent the United States at the Odyssey of the Mind international conference in the Netherlands during the week of April 20th, 1998; and

WHEREAS, the Potter-Dix team was the only team chosen to represent the United States and will participate with twelve other international teams; and

WHEREAS, Odyssey of the Mind is a nonprofit group that promotes problem-solving through creative thinking and teamwork; and

WHEREAS, the Potter-Dix school district's enrollment is less than two hundred fifty students, but includes eleven Odyssey of the Mind teams made up of fourth through twelfth grade students; and

WHEREAS, the Potter-Dix school consistently is the smallest school to attend the national and international meets held in the United States but the teams have been leaders in competition at the regional and the state level in recent years, winning many first-place and finalist trophies; and

WHEREAS, the accomplishments of the Potter-Dix school Odyssey of the Mind teams reflect the hard work and dedication of these students, successfully demonstrating that small schools can do great things.

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

1. That the Legislature congratulate Potter-Dix High School Odyssey of the Mind team members Ashley Mueller, Stacy Bemis, Megan McKinney, Amber Haack, Marcie Sprenger, Sharon Tincher, and Sarah Stahl and coaches Glynnis and Tom Mueller on being chosen to represent the United States at the Odyssey of the Mind international conference in the Netherlands.

2. That copies of this resolution be presented to the team members, to their coaches, and to Al Combs, the superintendent of Potter-Dix Public Schools.

Laid over.

**LEGISLATIVE RESOLUTION 369.** Introduced by Coordsen, 32.

PURPOSE: In today's society, it is becoming more common for agricultural land to be purchased for residential or recreational purposes. This results in actual or market values in excess of what such properties would have for agricultural purposes. The usual way of dealing with such issues is through greenbelt special assessment. However, because greenbelt requires positive action on the part of the county to implement it, including zoning in those areas, greenbelt cannot address these situations in all instances in which it might be appropriate. Usually, greenbelt does not become available until the problem is critical. This study is to examine the possibility of expanding or simplifying greenbelt or devising an alternative approach.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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.

## STANDING COMMITTEE REPORT
### Urban Affairs

**LEGISLATIVE BILL 1293.** Placed on General File as amended.
(Standing Committee amendment, AM3994, 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

### AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 1035:
AM4069

(Amendments to Final Reading copy)

1. On page 4, line 5, strike "policyholders and" and show as stricken; strike beginning with "business" in line 14 through "States" in line 15, show as stricken, and insert "reinsurance ceded by United States ceding insurers"; in line 20 strike "the effective date of this act" and insert "August 1, 1995"; and in line 25 strike "before" through "act" and insert "on or before July 31, 1995".

2. On page 5, line 1, after "group's" insert "several insurance and reinsurance"; and in line 3 after "dollars" insert ", which shall be held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all years of account".

3. On page 6, line 24, strike the second "its", show as stricken, and insert "the benefit of the assuming insurer's"; and in line 25 strike "policyholders and" and show as stricken.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1161A.** Introduced by Bromm, 23; Elmer, 44; Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1161, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

## SELECT FILE

**LEGISLATIVE BILL 1120.** E & R amendment, AM7224, found on page 1101, was adopted.

Mr. Abboud withdrew his amendment, AM3977, found on page 1222.

Mr. Wickersham renewed his pending amendment, AM3991, found on page 1276.

Mrs. Witek, Messrs. Brashear, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Tyson offered the following amendment:
AM4081
(Amendments to Standing Committee amendments, AM3364)

1. Insert the following new sections:

"Sec. 28. (1) The Legislature finds and declares that:

(a) Efficient, reliable radio communication is paramount to ensure public safety;

(b) Directing the state's resources in times of emergency toward the saving of lives, the protection of property, and meeting the emergency needs of citizens requires a statewide system of radio communication;

(c) The system of radio communication in Nebraska is inadequate, lacking interoperational cohesiveness during daily

operations and emergencies;

(d) The system of radio communication is susceptible to interference; and

(e) Radio communication interoperability between county, city, state, and federal agencies is lacking in the State of Nebraska.

(2) It is the intent of the Legislature to establish a task force to study the development of a statewide radio communication system and the feasibility and strategies necessary for the consolidation of resources and technologies in order to implement such a system. The state shall operate and construct the infrastructure for a system which would allow for interjurisdictional radio communication interconnections between the state and its political subdivisions.

Sec. 29. (1) The Task Force for the Nebraska State Radio Communication System is created. The task force shall be appointed by the Governor within twenty days after the effective date of this act and shall consist of the following twelve members, all of whom shall be individuals with knowledge regarding radio communication:

(a) A representative of the division of communications of the Department of Administrative Services;

(b) A representative of the Department of Roads;

(c) A representative of the Game and Parks Commission;

(d) A representative of the Nebraska State Patrol;

(e) A representative of the Nebraska Emergency Management Agency;

(f) A representative of the Department of Correctional Services;

(g) A representative of the Nebraska Emergency Medical Services Association;

(h) A representative of the Nebraska Professional Firefighters Association;

(i) A representative of the Nebraska County Sheriffs Association;

(j) A representative of the Police Officers Association of Nebraska;

(k) A representative of the Nebraska Association of County Officials; and

(l) A representative of city government.

(2) The representative of the division of communications of the Department of Administrative Services shall serve as chairperson of the task force. The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The task force may establish such subcommittees and working groups as necessary and appropriate to advise the task force. For administrative and budgetary purposes, the task force shall be within the division of communications of the Department of Administrative Services. The division shall provide office space, equipment, and staff support for the task force.

(3) On or before January 1, 1999, the task force shall report its findings to the Legislature and the Governor. The report shall include a recommendation of any legislative changes that may be necessary to provide for the implementation of a statewide radio communication system for the State of Nebraska.".

2. Renumber the remaining sections and correct the operative date section so that the sections added by this amendment become operative on their effective date with the emergency clause.

The Tyson amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Abboud offered the following amendment:
AM4093

(Amendments to Standing Committee amendments, AM3364)

1. Insert the following section:

"Sec. 28. 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.

(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.

(6) No citizen receiving telephone service under the Nebraska Lifeline Service Program established pursuant to section 86-1410 shall be assessed the additional fifty cents per month authorized in subsection (2) of this section.".

2. Correct the operative date and repealer sections so that the section added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections accordingly.

Mr. Will asked unanimous consent to be excused. No objections. So ordered.

Mr. Wickersham requested a ruling of the Chair on whether the Abboud amendment is germane to the bill.

The Chair ruled the Abboud amendment is not germane to the bill.

Mr. Wickersham offered the following amendment:
AM4103

(Amendments to AM3364)

1. On page 1, lines 6 and 7, strike "and" and insert "or".

2. On page 4, line 10, strike "30" and insert "15".

**PRESIDENT ROBAK PRESIDING**

The Wickersham amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1120A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1162.** E & R amendment, AM7230, printed separately and referred to on page 1102, was adopted.

Mrs. Robak renewed her pending amendment, AM3633, found on page 995.

Messrs. Janssen, Beutler, and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Robak moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mrs. Robak requested a roll call vote on her amendment.

Voting in the affirmative, 12:

| | | | | |
|---|---|---|---|---|
| Bohlke | Janssen | Schimek | Suttle | Wesely |
| Chambers | Pedersen, Dw. | Schmitt | Thompson | Willhoft |
| Hillman | Robak | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Jensen | Landis | Pederson, D. | Tyson |
| Crosby | Jones | Matzke | Raikes | Vrtiska |
| Engel | Kristensen | Maurstad | Schrock | Wickersham |
| Hudkins | | | | |

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Bromm | Dierks | Hilgert | Schellpeper | Wehrbein |
| Brown | Elmer | Lynch | Stuhr | Witek |
| Coordsen | Hartnett | Peterson, C. | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | Bruning | Kiel | Robinson | Will |
| Brashear | Cudaback | Preister | | |

The Robak amendment lost with 12 ayes, 16 nays, 13 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Bromm and Mrs. Thompson asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM3778, found on page 1115.

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

The Landis amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mrs. Crosby withdrew her amendment, AM3712, found on page 1133.

Messrs. Wesely, Schmitt, Tyson, and Jones renewed their pending amendment, AM3881, found on page 1179.

Mr. Maurstad requested a division of the question on the Wesely et al. amendment.

The Chair sustained the division of the question.

The first Wesely et al. amendment is as follows:
FA643

(Amendments to E & R amendments, AM7230)

1. Insert the following new sections:

"Sec. 83. Section 81-1307, Revised Statutes Supplement, 1997, is amended to read:

81-1307. The Director of Personnel shall be responsible for the administration of the personnel division. Subject to the review powers of the State Personnel Board, the director shall be responsible for development of recommendations on personnel policy and for development of specific administrative systems and shall have the authority to adopt, promulgate, and enforce rules and regulations pertaining thereto. The director shall be responsible for specific administrative systems including, but not limited to, the following:

(1) Employment Services:

(a) General employment policies and procedures;

(b) Position classification plans;

(c) Job descriptions;

(d) Job specifications;

(e) Salary or pay plans;

(f) Staffing patterns; and

(g) Recruiting of qualified applicants for employment and the maintenance of qualified applicants for employment for all positions in state government;

(2) Personnel Records:

(a) A system of records and statistical reports containing general data on all employees, including current salary levels and such other information as may be required by the operating needs of state departments and agencies and the budget division; and

(b) Standards for the development and maintenance of personnel records to be maintained within operating departments of

the state government;

(3) Personnel Management:

(a) Minimum standards for evaluation of employee efficiency and a system of regular evaluation of employee performance;

(b) Administrative guidelines governing such matters as hours of work, promotions, transfers, demotions, probation, terminations, reductions in force, salary actions, and other such matters as may not be otherwise provided for by law;

(c) Administrative policies and general procedural instructions for use by all state agencies relating to such matters as employee benefits, vacation, sick leave, holidays, insurance, sickness and accident benefits, and other employee benefits as the Legislature may from time to time prescribe; and

(d) A system of formally defined relationships between the personnel division and departments and agencies to be covered by the State Personnel System;

(4) Salary and Wage Survey: Measuring, through the use of surveys, the state's comparative level of employee compensation with the labor market;

(5) Staffing Patterns:

(a) Staffing patterns for each department and agency of state government that conform with those authorized by the budget division;

(b) Revisions to staffing patterns of all departments and agencies that have been approved by the budget division;

(c) Merit increases provided for any employee of the state that are the result of positive action by the appropriate supervisor; and

(d) The state's pay plan, as enacted by the Legislature, together with such amendments as may occur, is explained in appropriate handbooks for employees of the state;

(6) Temporary ~~Employee Pool~~ Employees:

(a) The director shall administer ~~a temporary employee applicant pool~~ the Temporary Employee Pool containing applicants from which state agencies can draw when in need of a short-term labor supply; and

(b) State agencies must receive approval from the director before hiring any temporary employee; and

(7) Employee Recognition Program: The director shall administer an employee recognition program for state employees. The program shall serve as the authorized program for honoring state employees for dedicated and quality service to the government of the State of Nebraska.

Sec. 84. The personnel division of the Department of Administrative Services shall provide an annual report to the Clerk of the Legislature. The report shall include the following information based on the prior fiscal year: (1) The number of temporary employees employed by the state; (2) the number of such

temporary employees who were eligible for health insurance coverage pursuant to section 84-1601; (3) the number of such temporary employees who elected coverage; and (4) the average length of health insurance coverage for those temporary employees who elected coverage.

The first Wesely et al. amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The second Wesely et al. amendment is as follows:
FA644

(Amendments to E & R amendments, AM7230)

Sec. 85. Section 84-1601, Reissue Revised Statutes of Nebraska, is amended to read:

84-1601. (1) There is hereby established a program of group life and health insurance for all permanent employees of this state who work one-half or more of the regularly scheduled hours during each pay period, excluding employees of the University of Nebraska, the state colleges, and the community colleges. Such program shall be known as the Nebraska State Insurance Program and shall replace any current program of such insurance in effect in any agency and funded in whole or in part by state contributions.

(2) Temporary employees of the state who have a work assignment of at least six months' duration and who work at least twenty hours per week may purchase health insurance through the Nebraska State Insurance Program. The state shall pay the same proportion of the insurance premium for temporary employees as is established through the collective bargaining process for permanent employees. For purposes of this subsection, temporary employees means individuals (a) employed in the Temporary Employee Pool as described in subdivision (6) of section 81-1307 and (b) hired directly by state agencies. In no event shall a temporary employee mean an individual hired through a private employment agency.

(3) For purposes of sections 84-1601 to 84-1615, health insurance may be construed to include coverage for disability and dental health care services.

~~(3)~~ (4) Any commissioned employee of the Nebraska State Patrol who on or after July 17, 1986, has reached fifty-one years of age or becomes medically disabled and who will not receive benefits from the federal social security program shall be afforded the opportunity to remain enrolled in the state employees group health insurance program until age sixty-five. Employees electing this option shall be responsible for the entire premium cost, including the state's share, the employee's share, and an administrative fee consistent with that allowed by federal guidelines for continuation of health insurance.

Sec. 86. Section 84-1604, Reissue Revised Statutes of Nebraska, is amended to read:

84-1604. The coverages provided for by sections 84-1601

to 84-1615 shall be afforded to each permanent state employee who works one-half or more of the regularly scheduled hours during each pay period, commencing after thirty days of such employment, and to each temporary employee only as described in subsection (2) of section 84-1601, commencing after thirty days of such employment. ~~Employees~~ Permanent and temporary employees who are employed less than the regularly scheduled hours as defined for a permanent employee shall be entitled to state contributions on a proportionately reduced basis. The life and health insurance coverages provided by sections 84-1601 to 84-1615 shall be totally independent of one another and the loss experience and the rates for the two coverages shall be maintained separate and apart from one another.".

2. On page 82, line 9, strike "and"; in line 10 after the first comma insert "84-1601, and 84-1604,"; and in line 11 strike "and 44-6823" and insert "44-6823, and 81-1307".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Abboud and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely offered the following amendment to the second Wesely et al. pending amendment:
FA645
Amend FA644
On pg 5, line one after "agency" insert a "." and the following new language, The provisions 84-1601 (2) shall terminate on July 1, 1999

The Wesely amendment was adopted with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

The second Wesely et al. amendment, as amended, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Ms. Schimek asked unanimous consent to replace the Schimek et al. pending amendment, AM3946, found on page 1196, with a substitute amendment. No objections. So ordered.

Ms. Schimek withdrew the Schimek et al. amendment, AM3946, found on page 1196.

Ms. Schimek and Mr. Tyson offered the following substitute amendment:
AM4107
(Amendments to E & R amendments, AM7230)

1. Insert the following new section:

"Sec. 83. (1) Commencing August 1, 1998, and notwithstanding section 44-3,131, (a) any individual or group sickness and accident insurance policy or subscriber contract

delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and (b) any self-funded employee benefit plan to the extent not preempted by federal law shall include coverage for the equipment, supplies, medication, and outpatient self-management training and patient management, including medical nutrition therapy, for the treatment of insulin-dependent, insulin-using diabetes, gestational diabetes, and non-insulin-using diabetes if prescribed by a health care professional legally authorized by law to prescribe such items.

(2) The equipment, supplies, medication, and patient management for the use of the equipment, supplies, and medication listed in this subsection shall be included in the coverage required by this section: Blood glucose monitors; blood glucose monitors for the legally blind; test strips for glucose monitors; urine testing strips; insulin; injection aids; lancet and lancet devices; syringes; insulin pumps and all supplies for the pump; insulin infusion devices; oral agents for controlling blood sugars; glucose agents and glucagon kits; insulin measurement and administration aids for the visually impaired; patient management materials that provide essential diabetes self-management information; and podiatric appliances for the prevention of complications associated with diabetes.

(3) The benefits under this section shall be provided for the patient upon the diagnosis of diabetes, when a significant change occurs in the patient's symptoms or condition that necessitates changes in a patient's self-management, or when refresher patient management is necessary. The benefits shall cover home visits when medically necessary and prescribed by a health care professional legally authorized by law to prescribe such items. Patient management may be conducted individually or in a group setting as long as there is medical necessity.

(4) Diabetes self-management training and patient management, including medical nutrition therapy, shall be provided by (a) an American Diabetes Association Recognized Diabetes Self-Management Education Program or (b) a health care professional that is a diabetes educator certified by the National Certification Board for Diabetes Educators and who complies with the American Association of Diabetes Education Core Curriculum for diabetes education.

(5) Physician-prescribed diabetes self-management training and patient management shall be covered at diagnosis, when symptoms or conditions change, and when new medications or treatments are prescribed. Coverage shall be for (a) a maximum of twenty-four total hours of classroom education per year or (b) six hours per year of individualized education deemed medically necessary by a physician.

(6) This section does not prevent application of

deductible or copayment provisions contained in the policy or health benefit plan or require that coverage under an individual or group policy or health benefit plan be extended to any other procedures. Private third-party payors may not reduce or eliminate coverage due to this section.

(7) For purposes of this section, patient management means educational and training services furnished to an individual with diabetes in an outpatient setting by an individual or entity with experience in diabetes, in consultation with the physician who is managing the patient's condition, who certifies that such services are needed under a comprehensive plan of care related to the individual's condition to ensure therapy or compliance or to provide the individual with necessary skills and knowledge, including skills related to the self-administration of injectable drugs which participate in the management of the individual's condition.

(8) Reimbursement for coverage shall be in amounts reasonably negotiated by the health care professional and the private third-party payor.".

2. Correct the operative date section so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections accordingly.

Ms. Schimek 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 the Schimek-Tyson amendment.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Chambers | Jones | Preister | Schmitt | Tyson |
| Hilgert | Matzke | Schellpeper | Stuhr | Wesely |
| Hudkins | Pedersen, Dw. | Schimek | Suttle | Willhoft |
| Janssen | | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Jensen | Maurstad | Schrock |
| Bohlke | Dierks | Kristensen | Pederson, D. | Wickersham |
| Brown | Engel | Landis | Peterson, C. | Witek |
| Coordsen | Hartnett | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Hillman | Lynch | Raikes | Vrtiska | Wehrbein |

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Bruning | Elmer | Robak | Thompson |
| Brashear | Cudaback | Kiel | Robinson | Will |
| Bromm | | | | |

The Schimek-Tyson amendment lost with 16 ayes, 17 nays, 5 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Matzke offered the following amendment:
FA634
Amend AM7230
Section 33 (2)(c) To insert on Line 3, Page 29 after the words "formal process" The following "including The right To a due process hearing"

Messrs. Lynch, Schellpeper, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Matzke moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Matzke requested a roll call vote on his amendment.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Matzke | Schimek | Wehrbein |
| Bohlke | Hillman | Pedersen, Dw. | Schrock | Wesely |
| Chambers | Janssen | Pederson, D. | Stuhr | Wickersham |
| Engel | Kristensen | Preister | Suttle | Willhoft |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Crosby | Hudkins | Raikes | Tyson | Witek |
| Cudaback | Landis | Schmitt | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Brown | Hartnett | Jones | Peterson, C. | Vrtiska |
| Dierks | Jensen | Maurstad | | |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Bruning | Kiel | Robinson | Thompson |
| Brashear | Coordsen | Lynch | Schellpeper | Will |
| Bromm | Elmer | Robak | | |

The Matzke amendment lost with 20 ayes, 8 nays, 8 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 370.** Introduced by Schrock, 38.

PURPOSE: The Legislature finds that the present grain check-off programs and ethanol programs include excise taxes on grain used as pledge or mortgage security for a loan under federal price support programs. This study shall determine whether these taxes should be eliminated and whether the method used in Legislative Bill 1172, Ninety-fifth Legislature, Second Session, is appropriate or whether another approach is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 Schrock, 38.

PURPOSE: During the 1998 legislative session, Legislative Bill 1325 was introduced for the purpose of clarifying Nebraska titling laws. During testimony on LB 1325, the Transportation Committee of the Legislature learned that there is a difference between a reconstructed vehicle and a vehicle constructed from a kit. The committee also learned that Nebraska does not differentiate between these two types of vehicles even though other states do. It was also discovered during the course of discussion on LB 1325 that the Department of Motor Vehicles refuses to issue an historical title as currently authorized by statute without an individual having to first obtain a court order requiring the department to do so. The purpose of this study is to examine the titling practices of the Department of Motor Vehicles and to develop comprehensive titling provisions after careful examination of the practices of other states in dealing with this subject matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 372.** Introduced by Wickersham, 49; Wehrbein, 2.

PURPOSE: Local governments and state government have concerns about the complexity, uniformity, and need for multiple financial reports submitted to agencies of state government. Proposed levy limits and expenditure restrictions have some provisions which require specific reporting by spending types in order to be successfully implemented. The Legislature and the public have expressed renewed interest in an examination of total public spending in its overall level and in sufficient detail to have informed discussions on allocation of public resources. Some of those issues have previously been addressed by staff from the Revenue Committee and the Appropriations Committee. Several other issues are being addressed by a working group of state and local officials regarding significant financial reporting information requirements imposed on local governments.

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

1. That the Revenue and Appropriations Committees of the Legislature be designated to do continued analyses of local government financial reports, budgets, levy limits requirements, and financial reporting statutes in order to determine the usefulness and impact of these provisions on local governments. This analysis should include examining what potential may exist for devising practical and useful financial information reporting procedures and electronic filing of budgets. The committees and their staff shall monitor and participate in the efforts of interested local and state government agencies currently involved in examining this issue.

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.

**AMENDMENTS - Print in Journal**

Mr. Chambers filed the following amendments to LB 1176:

FA636
Amend AM4046
Page 1, line 4 and wherever the name of the Act appears, strike "Quality Work Force Academic", and insert, "How to Keep Them Down on The Farm after They Have Seen Council Bluffs".

FA637
Amend AM4046
In line 15, after "fields", insert, "including corn, soy bean, wheat and milo fields"

FA638
Amend AM4046
In line 20, strike "supporting" and insert, "that support".

FA639
Amend AM4046

Page 3, line 20, after "fields", insert, "including corn, soy bean, wheat and milo fields".

FA640
Amend AM4046
Page 4, line 24, after "of", insert "financial need".

FA641
Amend AM4046
Page 5, line 15, strike "three", and insert "ten".

FA642
Amend AM4046
Strike the emergency clause.

Mr. Will filed the following amendment to LB 1073:
AM4062

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 4. Section 20-139, Reissue Revised Statutes of Nebraska, is amended to read:

20-139. The Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143 shall be administered by the Equal Opportunity Commission, except that the State Fire Marshal shall administer the act and sections as they relate to accessibility standards and specifications set forth in sections 81-5,147 to 81-5,149. The county attorneys are granted the authority to enforce such act and sections and shall possess the same powers and duties with respect thereto as the commission. If a complaint is filed with the county attorney, the commission shall be notified. Powers granted to and duties imposed upon the commission pursuant to such act and sections shall be in addition to the provisions of the Nebraska Fair Employment Practice Act and shall not be construed to amend or restrict those provisions. In carrying out the Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power to:

(1) Seek to eliminate and prevent discrimination in places of public accommodation because of race, color, sex, religion, national origin, familial status as defined in section 20-311, handicap as defined in section 20-313, or ancestry;

(2) Effectuate the purposes of sections 20-132 to 20-143 by conference, conciliation, and persuasion so that persons may be guaranteed their civil rights and goodwill may be fostered;

(3) Formulate policies to effectuate the purposes of sections 20-132 to 20-143 and make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes;

(4) Adopt and promulgate rules and regulations to carry

out the powers granted by the Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143, subject to the provisions of the Administrative Procedure Act. The commission shall, not later than one hundred eighty days after September 6, 1991, issue draft rules and regulations to implement subsection (3) of section 20-336, which regulations may incorporate regulations of the Department of Housing and Urban Development as applicable;

(5) Designate one or more members of the commission or a member of the commission staff to conduct investigations of any complaint alleging discrimination because of race, color, sex, religion, national origin, familial status, handicap, or ancestry, attempt to resolve such complaint by conference, conciliation, and persuasion, and conduct such conciliation meetings and conferences as are deemed necessary to resolve a particular complaint, which meetings shall be held in the county in which the complaint arose;

(6) Determine that probable cause exists for crediting the allegations of a complaint;

(7) Determine that a complaint cannot be resolved by conference, conciliation, or persuasion, such determination to be made only at a meeting where a quorum is present;

(8) Dismiss a complaint when it is determined there is not probable cause to credit the allegations;

(9) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require for examination any books or papers relating to any matter under investigation or in question before the commission; and

(10) Issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination because of race, color, sex, religion, national origin, familial status, handicap, or ancestry.

Sec. 5. Section 20-319, Reissue Revised Statutes of Nebraska, is amended to read:

20-319. (1) Except as exempted by section 20-322, it shall be unlawful to:

(a) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

(i) The buyer or renter;

(ii) Any person associated with the buyer or renter; or

(iii) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available; or

(b) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:

(i) Such person;

(ii) Any person associated with such person; or

(iii) A person residing in or intending to reside in the

dwelling after it is so sold, rented, or made available.

(2) For purposes of this section, discrimination shall include:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use and enjoy a dwelling; and

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such a manner that:

(i) The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;

(ii) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) All premises within the dwellings contain the following features of adaptive design:

(A) An accessible route into and through the dwelling;

(B) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(C) Reinforcements in bathroom walls to allow later installation of grab bars; and

(D) Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

(3) Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (2)(c)(iii) of this section.

(4)(a) If a political subdivision has incorporated into its laws the design and construction requirements set forth in subdivision (2)(c) of this section, compliance with such laws shall be deemed to satisfy the requirements.

(b) A political subdivision may review and approve ~~newly~~ new constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements are met.

(c) The commission shall encourage but may not require

political subdivisions to include in their existing procedures for the review and approval of ~~newly~~ new constructed covered multifamily dwellings determinations as to whether the design and construction of the dwellings are consistent with the design and construction requirements and shall provide technical assistance to political subdivisions and other persons to implement the requirements.

(d) Nothing in this section shall be construed to require the commission to review or approve the plans, designs, or construction of all covered multifamily dwellings to determine whether the design and construction of the dwellings are consistent with the design and construction requirements.

(5)(a) Nothing in subsection (4) of this section shall be construed to affect the authority and responsibility of the commission or a local agency certified pursuant to section 20-332 to receive and process complaints or otherwise engage in enforcement activities under the Nebraska Fair Housing Act.

(b) Determinations by the commission or a political subdivision under subdivision (4)(a) or (b) of this section shall not be conclusive in enforcement proceedings under the act.

(6) For purposes of this section, covered multifamily dwellings shall mean:

(a) Buildings consisting of four or more units if such buildings have one or more elevators; and

(b) Ground floor units in other buildings consisting of four or more units.

(7) Nothing in this section shall be construed to invalidate or limit any law of a political subdivision or other jurisdiction in which this section is effective that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this section.

(8) Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 152. Section 81-5,147, Reissue Revised Statutes of Nebraska, is amended to read:

81-5,147. The State Fire Marshal, with the advice of the Accessibility Advisory Committee, shall adopt and promulgate:

(1) Standards, ~~standards,~~ specifications, and exclusions which are consistent with the most current uniform guidelines and standards set by the federal Americans with Disabilities Act of 1990, as amended, for ~~(1)~~ (a) buildings and facilities which are newly constructed for first occupancy and ~~(2)~~ (b) alterations of existing buildings and facilities used by the public. For purposes of this section, alterations of an existing building or facility used by the public shall include remodeling, renovation,

rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangements in the plan or configuration of the height of walls or partitions. Normal maintenance, reroofing, painting, wallpapering, asbestos removal, or changes to mechanical and electrical systems shall not be considered alterations; and

(2) Standards and specifications which are consistent with the most current uniform guidelines and standards set by the federal Fair Housing Act of 1968, as adopted by the State of Nebraska, for new constructed covered multifamily dwellings as defined in section 20-319.

Sec. 153. Section 81-5,148, Reissue Revised Statutes of Nebraska, is amended to read:

81-5,148. The responsibility for enforcement of the standards and specifications adopted pursuant to section 81-5,147 for (1) buildings and facilities which are newly constructed for first occupancy, ~~and~~ (2) alterations of existing buildings and facilities used by the public, and (3) new constructed covered multifamily dwellings as defined in section 20-319 shall lie with the State Fire Marshal or the appropriate officials of the governing bodies of the state government and its political subdivisions responsible for the review and approval of the building plans. Enforcement responsibility includes an appeal process conducted by the enforcing authority for the appeal of any enforcement action or proposed enforcement action. With respect to the enforcement of section 81-5,147 as described in subdivisions (1) and (2) of this section, when ~~When~~ plans are being reviewed for both building code and fire code regulations, the officials responsible for building code review shall be responsible for enforcement of ~~such~~ section 81-5,147. With respect to the enforcement of section 81-5,147 as described in subdivision (3) of this section, when plans are being reviewed for both building code and fire code regulations, the officials in a city of the metropolitan, primary, or first class shall be responsible for enforcement of section 81-5,147. Officials in a city of the second class or village shall not be responsible for enforcement of section 81-5,147 if such officials have submitted to the State Fire Marshal a written statement declaring their intent not to assume responsibility for such enforcement. When plans are being reviewed solely for fire code regulations or when the officials responsible for building code review have not submitted such a written statement, the State Fire Marshal or his or her designee shall be responsible for enforcement of ~~such~~ section 81-5,147. No official of any governing body of the state government or its political subdivisions responsible for such enforcement shall approve or authorize an occupancy permit unless such building, facility, or dwelling ~~or facility~~ complies with the standards and specifications prescribed by such section. Any unauthorized departure from the standards and specifications established by the State Fire Marshal

pursuant to such section may be corrected by full compliance with such standards and specifications within one hundred ~~twenty~~ eighty days after discovery of such departure. Failure to correct an unauthorized departure from such standards and specifications shall result in denial or revocation of the occupancy permit for the building, facility, or dwelling. ~~or facility.~~

Sec. 154. Section 81-5,149, Reissue Revised Statutes of Nebraska, is amended to read:

81-5,149. (1) For purposes of providing, in an advisory capacity only, technical assistance to the State Fire Marshal (a) to aid in establishing standards and specifications in accordance with the Accessibility Guidelines of the federal Americans with Disabilities Act of 1990, as amended, for (i) buildings and facilities which are newly constructed for first occupancy and (ii) alterations of existing buildings and facilities used by the public, ~~and~~ (b) to aid in establishing standards and specifications in accordance with the federal Fair Housing Act of 1968, as adopted by the State of Nebraska, for new constructed covered multifamily dwellings as defined in section 20-319, and (c) on individual cases of accessibility problems arising under the standards and specifications established pursuant to section 81-5,147, and any other advice the State Fire Marshal deems necessary to carry out his or her duties pursuant to such act or section, there is hereby established the Accessibility Advisory Committee composed of ten members.

(2) The committee shall consist of the following members who shall be skilled and knowledgeable in the area of accessibility standards and functional disability limitations: (a) An architect, (b) the state building administrator or his or her authorized representative, (c) a construction contractor, (d) four persons with a disability in one of each of the following categories: (i) Vision; (ii) hearing; (iii) cognitive; and (iv) mobility, (e) two persons responsible for local building code enforcement, one from a community of less than fifty thousand inhabitants and one from a community of fifty thousand inhabitants or more, and (f) one person experienced in real property management. The members shall be appointed by the Governor within thirty days after September 9, 1993. The members shall serve for terms of four years, except that of the members first appointed, the architect and two of the persons with a disability shall serve for terms of three years and the other two persons with a disability shall serve for terms of two years. As the term of each member expires, a successor shall be appointed from the same category as the person whose term expired for a term of four years.

Sec. 162. Original sections 20-139, 20-319, and 81-5,147 to 81-5,149, Reissue Revised Statutes of Nebraska, are repealed.".

2. Amend the operative date section so that the sections added by this amendment become operative on October 1, 1998.

3. Renumber the remaining sections and correct internal

references accordingly.

Mr. Landis filed the following amendment to LB 1073:
AM4078

(Amendments to E & R amendments, AM7219)

1. Insert the following new section:

"Sec. 156. Any person who is blind as defined in section 83-212 and who provides services under contract to the State of Nebraska to a disabled person as defined in section 68-1503 shall be afforded the opportunity to enroll in the state employees group health insurance program until age sixty-five. Eligible persons electing this option shall be responsible for the entire premium cost and an administrative fee consistent with that allowed by federal guidelines for continuation of health insurance.".

2. Amend the operative date section so that the section 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. Jensen filed the following amendment to LB 1073:
AM3868

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 7. Section 28-1420, Reissue Revised Statutes of Nebraska, is amended to read:

28-1420. It ~~shall be~~ is unlawful for any person, partnership, limited liability company, or corporation to sell, keep for sale, or give away in course of trade, any cigars, tobacco, cigarettes, or cigarette material to anyone, including the dispensing of such tobacco products from a vending machine, without first obtaining a license as a retail or wholesale tobacco licensee as provided in sections 28-1421 and 28-1422. It ~~shall~~ is also ~~be~~ unlawful for any ~~wholesaler~~ wholesale tobacco licensee to knowingly sell or deliver any cigars, tobacco, cigarettes, or cigarette material to any person, partnership, limited liability company, or corporation who, at the time of such sale or delivery, ~~is not the recipient of~~ does not have a valid retail tobacco license for the current year ~~to retail the same~~ as provided in such sections. It ~~shall~~ is also ~~be~~ unlawful for any person, partnership, limited liability company, or corporation to purchase or receive, for purposes of resale, any cigars, tobacco, cigarettes, or cigarette material if such person, partnership, limited liability company, or corporation ~~is not the recipient of~~ does not have a valid retail tobacco license ~~to retail such tobacco products~~ at the time ~~the same~~ such tobacco products are purchased or received. ~~Whoever shall be found guilty of~~ Anyone violating this section ~~shall be~~ is guilty of a Class III misdemeanor for each offense.

Sec. 8. Section 28-1421, Reissue Revised Statutes of

Nebraska, is amended to read:

28-1421. ~~Licenses~~ Retail and wholesale licenses for the sale of cigars, tobacco, cigarettes, and cigarette material to persons ~~over the age of~~ eighteen years of age or over shall be issued to individuals, partnerships, limited liability companies, and corporations by the clerk or finance director of any city or village and by the county clerk of any county upon application duly made as provided in section 28-1422. The Department of Health and Human Services Regulation and Licensure shall keep a central registry of all retail tobacco licenses. The clerk, finance director, or county clerk shall forward to the department a copy of each retail tobacco license within thirty days after issuance. The sale of cigarettes or cigarette materials that contain perfumes or drugs in any form is prohibited and is not licensed by the provisions of this section. Only cigarettes and cigarette material containing pure white paper and pure tobacco shall be licensed.

Sec. 9. Section 28-1422, Revised Statutes Supplement, 1997, is amended to read:

28-1422. (1) Every person, partnership, limited liability company, or corporation ~~desiring~~ a applying for a retail or wholesale tobacco license under ~~sections 28-1420 to 28-1429~~ section 28-1421 shall file with the clerk or finance department of the city~~, town,~~ or village where ~~his, her, their, or its~~ the applicant's place of business is located, if within the limits of a city~~, town,~~ or village, or with the clerk of the county where such place of business is located if outside the limits of any city~~, town,~~ or village, a written application ~~stating~~ as provided in this section and shall deposit with such application the amount of the applicable license and registration fees required by section 28-1423. The application form shall be developed by the Department of Health and Human Services Regulation and Licensure and shall include, but not be limited to, the name of the ~~person, partnership, limited liability company, or corporation for whom such license is desired and~~ applicant, the exact location of the applicant's place of business, and the type of sale and the hours of operation at the applicant's place of business. ~~and shall deposit with such application the amount of the license fee provided in section 28-1423.~~ If the applicant is an individual, the application shall include the applicant's social security number. If the applicant for a retail tobacco license under this section intends to dispense tobacco products from a vending machine, the application shall include the address or location of each vending machine to be included within such retail license.

(2) A retail or wholesale tobacco licensee shall notify the clerk or finance department of the city or village or the clerk of the county of any changes in the information supplied by the licensee on the application under subsection (1) of this section within thirty days after such change becomes effective. The clerk, finance director, or county clerk shall notify the department of

any change within thirty days after receipt of such change from the licensee.

Sec. 10. Section 28-1423, Reissue Revised Statutes of Nebraska, is amended to read:

28-1423. (1) The term ~~for which such~~ of a retail or wholesale tobacco license ~~shall run shall be~~ runs from the date of filing such application and paying ~~such~~ the applicable license and registration fees provided in this section until ~~fee to~~ and including December 31 of the calendar year in which application for such license is made. The retail ~~, and the~~ license fee for any person, partnership, limited liability company, or corporation ~~selling at retail shall be~~ is twenty-five dollars in cities of the metropolitan class, fifteen dollars in cities of the primary and first classes, and ten dollars in cities of all other classes and in ~~towns and~~ villages and in locations outside of the limits of cities~~, towns~~ and villages. ~~Any~~ The wholesale license fee for any person, partnership, limited liability company, or corporation is one hundred dollars. ~~selling annually in the aggregate more than one hundred fifty thousand cigars, packages of cigarettes, and packages of tobacco in any form, at wholesale, shall pay a license fee of one hundred dollars, and if such combined annual sales amount to less than one hundred fifty thousand cigars, packages of cigarettes and packages of tobacco, the annual license fee shall be fifteen dollars. No wholesaler's license shall be issued in any year on a less basis than one hundred dollars per annum unless the applicant for the same shall file with such application a statement duly sworn to by himself or herself, or if applicant is a partnership, by a member of the firm, or if a limited liability company, by a member or manager of the company, or if a corporation, by an officer or manager thereof, that in the past such wholesaler's combined sales of cigars, packages of cigarettes, and packages of tobacco in every form have not exceeded in the aggregate one hundred fifty thousand annually, and that such sales will not exceed such aggregate amount for the current year for which the license is to issue. Any person swearing falsely in such affidavit shall be guilty of perjury and upon conviction thereof shall be punished as provided by section 28-915 and such wholesaler's license shall be revoked until the full license fee of one hundred dollars is paid.~~ If application for a tobacco license is made after July 1 of any calendar year, the license fee shall be one-half of the applicable license fee provided in this section. All money collected as license fees under this section shall be remitted by the clerk, finance director, or county clerk to the treasurer of the city, village, or county for credit to the school fund for the particular city, village, or county.

(2) In addition to a tobacco license fee, applicants for a retail tobacco license shall pay an annual registration fee of thirty dollars to the city, village, or county with the application for issuance or renewal of such license. The city, village, or

county shall retain three dollars of the registration fee for administration costs and shall remit fifteen dollars to the city, village, or county treasurer for local compliance checks and enforcement of laws regarding sales of tobacco to persons under eighteen years of age. The remaining twelve dollars of such registration fee shall be remitted by the clerk, finance director, or county clerk to the State Treasurer who shall credit six dollars of each fee to the Department of Health and Human Services Regulation and Licensure Cash Fund for administration of the central registry of retail tobacco licenses provided in section 28-1421 and six dollars of each fee to the Nebraska State Patrol Cash Fund for compliance checks and enforcement of laws regarding sales of tobacco to persons under eighteen years of age.

Sec. 11. Section 28-1424, Reissue Revised Statutes of Nebraska, is amended to read:

28-1424. The retail or wholesale tobacco license, ~~provided for in sections 28-1421 and 28-1422~~ when issued, ~~shall authorize~~ authorizes the sale of cigars, tobacco, cigarettes, and cigarette material by the licensee and employees~~,~~ to persons ~~over the age of~~ eighteen years~~;~~ of age or over at the place of business described in such license for the term ~~therein~~ authorized~~;~~ unless the ~~same be forfeited~~ license is suspended or revoked as provided in section 28-1425 or section 13 of this act.

Sec. 12. Section 28-1425, Reissue Revised Statutes of Nebraska, is amended to read:

28-1425. (1) Any retail or wholesale tobacco licensee or employee of such licensee who ~~shall sell, give or furnish~~ sells, gives, or furnishes in any way to any person under ~~the age of~~ eighteen years of age, or who ~~shall~~ willingly ~~allow~~ allows to be taken from ~~his~~ the place of business by any person under ~~the age of~~ eighteen years of age, any cigars, tobacco, cigarettes, or cigarette material, ~~shall be~~ is guilty of a Class III misdemeanor. Any officer, director, or manager having direct charge or control, either separately or jointly with others, of the business of any corporation which violates the provisions of sections 28-1420 to 28-1429 and section 13 of this act, if he or she has ~~have~~ knowledge of the ~~same~~ violation, ~~shall be~~ is subject to the ~~penalties~~ penalty provided in this ~~section~~ subsection. In addition to the ~~penalties~~ penalty provided in this ~~section, such licensee shall be subject to the additional penalty of a revocation and forfeiture of his, their, or its license, at the discretion of the court before whom the complaint for violation of said sections may be heard.~~ subsection, the court may also suspend for a maximum of thirty days or revoke a retail or wholesale tobacco license, at its discretion, for each act in violation of this subsection or section 13 of this act.

(2) If ~~such~~ a retail or wholesale tobacco license ~~be~~ is suspended or revoked ~~and forfeited~~ under this section or section 13 of this act, all rights under such license shall at once cease and

terminate.

Sec. 13. Nothing in sections 28-1418 to 28-1429.02 and section 13 of this act shall be construed to restrict or prohibit the governing body of a city, village, or county from adopting ordinances or resolutions at least as stringent as or more stringent than the provisions of such sections. Any city, village, or county may administratively suspend a retail or wholesale tobacco license, for a maximum of thirty days for each act in violation of any ordinance or resolution authorized by this section and relating to the sale of tobacco products to persons under eighteen years of age. No retail or wholesale tobacco license may be administratively suspended except after a hearing upon reasonable notice and with adequate opportunity to appear, present evidence, and defend. Any administrative suspension of a retail or wholesale tobacco license under this section may be appealed to the district court of the county where the city, village, or county is located.

Sec. 14. Section 28-1428, Reissue Revised Statutes of Nebraska, is amended to read:

28-1428. In case of the sale of a business where the owner has a tobacco license, ~~hereunder,~~ the licensing ~~authority~~ city, village, or county may authorize such license to be transferred to the purchaser. In case of a change of location by any tobacco licensee, ~~hereunder,~~ the ~~licensing authority~~ city, village, or county may transfer such license to the new location. The city, village, or county shall notify the Department of Health and Human Services Regulation and Licensure of any transfer under this section within thirty days after the authorization of the transfer.

Sec. 15. Section 28-1429, Reissue Revised Statutes of Nebraska, is amended to read:

28-1429. ~~In the event that the~~ If a retail or wholesale tobacco license ~~of a licensee hereunder shall be~~ is revoked ~~and forfeited~~ as provided in section 28-1425, no new license shall be issued to such licensee until the expiration of one year ~~from~~ after the date of such revocation. ~~and forfeiture.~~

Sec. 16. Section 28-1429.02, Reissue Revised Statutes of Nebraska, is amended to read:

28-1429.02. (1) Except as provided in subsection (2) of this section, it shall be unlawful to dispense cigarettes or other tobacco products from a vending machine or similar device. Any person violating this section shall be guilty of a Class III misdemeanor. In addition, upon conviction for a second offense, the court shall order a six-month suspension of the offender's license to sell tobacco if any and, upon conviction for a third or subsequent offense, the court shall order the permanent revocation of the offender's license to sell tobacco if any.

(2) Cigarettes or other tobacco products may be dispensed from a vending machine or similar device when such machine or

device is located in an area, office, business, plant, or factory which is not open to the general public or on the licensed premises of any establishment having a license issued under the Nebraska Liquor Control Act for the sale of alcoholic liquor for consumption on the premises when such machine or device is located in the same room in which the alcoholic liquor is dispensed.

~~(3) Nothing in this section shall be construed to restrict or prohibit a governing body of a city or village from establishing and enforcing ordinances at least as stringent as or more stringent than the provisions of this section.~~

Sec. 167. Original sections 28-1420, 28-1421, 28-1423 to 28-1425, 28-1428, 28-1429, and 28-1429.02, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Supplement, 1997, are repealed.

Sec. 171. The following section is outright repealed: Section 28-1426, Reissue Revised Statutes of Nebraska.".

2. Correct the operative date section so that the sections added by this amendment become operative on January 1, 1999.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Schrock filed the following amendment to LB 922:
AM3624

1. Strike original section 202 and all amendments thereto and insert the following new section:

"Sec. 202. Section 37-910, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-910.~~ The ~~Game and Parks Commission is authorized to make~~ commission may adopt and promulgate rules and regulations for carrying out, administering, and enforcing the provisions of sections ~~37-901 to 37-914; PROVIDED, that the~~ 194 to 206 of this act. The commission shall limit the number of areas proposed for licensing so that the total acreage licensed for game breeding and controlled shooting areas in any one county ~~shall~~ does not exceed one percent of the total acreage of the county in which the areas are sought to be licensed. ~~No~~ In counties having a population of four hundred thousand inhabitants or less, no license shall be issued for any area whose boundary lies within ~~five~~ two miles of the boundary of any other area so licensed under ~~the provisions of~~ sections ~~37-901 to 37-914~~ 194 to 206 of this act. In counties having a population exceeding four hundred thousand inhabitants, no license shall be issued for any area whose boundary lies within five miles of the boundary of any other area so licensed under the provisions of sections 194 to 206 of this act. No license shall be issued for any area whereon ~~hand-reared~~ mallard ducks are shot or to be shot if the area lies within three miles of any river or within three miles of any lake with an area exceeding three acres, except ; ~~PROVIDED,~~ that a license may be issued for such area for

the shooting of upland game birds only, and the rearing or shooting of ~~hand-reared~~ mallard ducks thereon ~~shall be and~~ is prohibited.".

Mr. Dierks filed the following amendment to LB 1193A:
AM4060

1. On page 2, line 2, strike each occurrence of "Cash Funds" and insert "the Corporation Cash Fund".

Mr. Kristensen filed the following amendment to LB 395:
AM4105

(Amendments to Standing Committee amendments, AM1138)

1. Strike sections 6, 7, 8, and 15.

2. On page 1, line 13; and page 3, lines 9 and 16, strike "15" and insert "11".

3. On page 3, strike beginning with the first "is" in line 9 through "and" in line 10; in line 12 strike "4 to 6 and 9" and insert "4, 5, and 6"; in line 15 strike "confidentiality or"; in line 17 strike "confidentiality"; strike beginning with "If" in line 20 through "neither" in line 21 and insert "Neither"; strike beginning with the comma in line 23 through the comma in line 24; and in line 26 strike "a confidential part of".

4. On page 4, line 1, strike "sections 5 and 6" and insert "section 5"; in lines 5 and 22 strike "confidentiality protection" and insert "protection provided in section 3"; and in line 9 strike ", after an in camera review,".

5. On page 7, line 11, strike "10" and insert "7".

6. On page 9, line 6, strike "11" and insert "8"; in line 9 strike "12" and insert "9"; and in line 16 strike ", 6, or 8".

7. Renumber the remaining sections accordingly.

## VISITORS

Visitors to the Chamber were Linda and James Pruss from Dodge and Kenneth and Darlene Porter from Norfolk; 50 fourth grade students and teachers from Norris Elementary School, Firth; Lawrence Fischer from Rulo, Brad and Patti McArdle from Elkhorn, Darrel Stromer from Juniata, and Harry Hauschild from Lincoln; Brad Arnold, Patti O'Malley, Jennifer Dancer, Kendra Beattey, and Kimberly Facka from Sutherland; Darlene Anderson from Sutherland; and Kelly Brown and Ryan Kiniss from North Platte.

The Doctor of the Day was Lisa Rauner from Sidney.

## ADJOURNMENT

At 7:35 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, March 25, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

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# FIFTIETH DAY - MARCH 25, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 25, 1998

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Robak presiding.

### PRAYER

The prayer was offered by Pastor Jim Garfield, Assembly of God Church, Aurora, Nebraska.

### ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Dierks, Janssen, Landis, Lynch, Preister, Schmitt, Wehrbein, Will, Mmes. Bohlke, and Brown who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

### RESOLUTION

**LEGISLATIVE RESOLUTION 346.** Read. Considered.

LR 346 was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

### MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1241: Jerry A. Hohnbaum, Raymond A. Meester, Brent A. Welsch, and Kevin T. Williams - Nebraska Commission for the Deaf and Hard of Hearing; Marcia M. Freer, Donald R. Frey, M.D., and Donald Klitgaard, M.D. - Rural Health Advisory Commission; and Chris Becker, Bruce Beins, Melanie Cheney, Alice Dalton, Doak P. Doolittle, M.D., Mike Grutsch, William Heine, William Madison, Gerald E. Matzke Jr., M.D., Robert McDonnell, Joe

Schaefer, Dallas Schaffer, Rex Scott, Sharon Stumpf, and Michael Westcott, M.D. - Board of Emergency Medical Services.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Brashear | Elmer | Matzke | Robak | Tyson |
| Bromm | Hartnett | Maurstad | Robinson | Vrtiska |
| Bruning | Hilgert | Pedersen, Dw. | Schimek | Wesely |
| Chambers | Jensen | Peterson, C. | Schrock | Wickersham |
| Coordsen | Landis | Raikes | Thompson | Willhoft |
| Crosby | | | | |

Voting in the negative, 0.

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Hillman | Kiel | Schellpeper | Suttle |
| Cudaback | Hudkins | Kristensen | Stuhr | Witek |
| Engel | Jones | Pederson, D. | | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Brown | Janssen | Preister | Wehrbein |
| Bohlke | Dierks | Lynch | Schmitt | Will |

The appointments were confirmed with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

**MOTION - Return LB 1108 to Select File**

Mr. Chambers moved to return LB 1108 to Select File for the following specific amendment:
FA646
Strike the enacting clause.

Mr. Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1108 with 34 ayes, 2 nays, 6 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1108.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 116A, section 1; Laws 1997, LB 269A, section 1; Laws 1997, LB 278A, section 1; Laws 1997, LB 384, sections 8 and 16; Laws 1997, LB 386, sections 11, 12, 16, 18, 28, 31, 33, 47, 51, 52, and 60; Laws 1997, LB 389, sections 8, 9, 16, 17, 19, 21, 40, 44, 51, 54, 81, 82, 86, 88, 89, 90, 92, 93, 95, 99, 100, 101, 107, 109, 115, 121, 122, 136, 137, 146, 147, 150, 153, 156, 162, 180, 181, 182, 188, 192, 193, 199, 201, 205, 208, 211, 217, 218, 219, 220, 234, 235, 239, 242, and 260; and Laws 1997, LB 852A, section 1; to define terms; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to state and eliminate intent; to change appropriations as prescribed; to change transfers; 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Jensen | Raikes | Suttle |
| Bohlke | Cudaback | Jones | Robak | Thompson |
| Brashear | Elmer | Kiel | Schellpeper | Vrtiska |
| Bromm | Engel | Kristensen | Schimek | Wehrbein |
| Brown | Hartnett | Landis | Schmitt | Wesely |
| Bruning | Hilgert | Matzke | Schrock | Wickersham |
| Chambers | Hillman | Pederson, D. | Stuhr | Willhoft |
| Coordsen | Hudkins | Peterson, C. | | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Maurstad | Pedersen, Dw. | Witek |

Present and not voting, 2:

| | |
|---|---|
| Robinson | Tyson |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Lynch | Preister | Will |
| Dierks | | | | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1100 with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1100.** With Emergency.

A BILL FOR AN ACT relating to public buildings; to amend sections 81-173, 81-179 to 81-182, 81-185, and 81-190, Reissue Revised Statutes of Nebraska, section 81-1108.22, Revised Statutes Supplement, 1996, and section 81-1108.17, Revised Statutes Supplement, 1997; to state intent; to provide for deferred maintenance, repair, renovation, and facility replacement construction projects of the University of Nebraska and Nebraska state colleges; to create funds; to provide for depreciation charges on certain public buildings; to change provisions relating to the Building Renewal Allocation Fund and charges for state buildings; 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Kiel | Robak | Thompson |
| Bohlke | Elmer | Kristensen | Robinson | Tyson |
| Brashear | Engel | Landis | Schellpeper | Vrtiska |
| Bromm | Hartnett | Matzke | Schimek | Wehrbein |
| Brown | Hilgert | Maurstad | Schmitt | Wesely |
| Bruning | Hillman | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Hudkins | Pederson, D. | Stuhr | Willhoft |
| Coordsen | Jensen | Peterson, C. | Suttle | Witek |
| Crosby | Jones | Raikes | | |

Voting in the negative, 0.

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Lynch | Preister | Will |
| Dierks | | | | |

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 1110.** With Emergency.

A BILL FOR AN ACT relating to political subdivisions; to amend section 79-1201, Reissue Revised Statutes of Nebraska, and section 79-1241, Revised Statutes Supplement, 1997; to provide for funding of core services provided by educational service units; to state intent; to eliminate a fund; to

harmonize provisions; to repeal the original sections; to outright repeal section 77-4208, Revised Statutes Supplement, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Kiel | Raikes | Suttle |
| Bohlke | Elmer | Kristensen | Robak | Thompson |
| Brashear | Engel | Landis | Robinson | Tyson |
| Bromm | Hartnett | Matzke | Schellpeper | Vrtiska |
| Brown | Hilgert | Maurstad | Schimek | Wehrbein |
| Chambers | Hillman | Pedersen, Dw. | Schmitt | Wesely |
| Coordsen | Hudkins | Pederson, D. | Schrock | Wickersham |
| Crosby | Jones | Peterson, C. | Stuhr | Willhoft |

Voting in the negative, 2:

Bruning Witek

Present and not voting, 1:

Jensen

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Lynch | Preister | Will |
| Dierks | | | | |

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 1110A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1110, Ninety-fifth Legislature, Second Session, 1998; to provide for reduction of appropriations 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, 40:

| | | | | |
|---|---|---|---|---|
| Beutler | Bohlke | Brashear | Bromm | Brown |

| | | | | |
|---|---|---|---|---|
| Chambers | Hilgert | Matzke | Robinson | Thompson |
| Coordsen | Hillman | Maurstad | Schellpeper | Tyson |
| Crosby | Hudkins | Pedersen, Dw. | Schimek | Vrtiska |
| Cudaback | Jones | Pederson, D. | Schmitt | Wehrbein |
| Elmer | Kiel | Peterson, C. | Schrock | Wesely |
| Engel | Kristensen | Raikes | Stuhr | Wickersham |
| Hartnett | Landis | Robak | Suttle | Willhoft |

Voting in the negative, 3:

| | | |
|---|---|---|
| Bruning | Jensen | Witek |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Lynch | Preister | Will |
| Dierks | | | | |

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 63.**

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1997; to provide for a transfer 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, 43:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Kiel | Robak | Thompson |
| Bohlke | Elmer | Kristensen | Robinson | Tyson |
| Brashear | Engel | Landis | Schellpeper | Vrtiska |
| Bromm | Hartnett | Matzke | Schimek | Wehrbein |
| Brown | Hilgert | Maurstad | Schmitt | Wesely |
| Bruning | Hillman | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Hudkins | Pederson, D. | Stuhr | Willhoft |
| Coordsen | Jensen | Peterson, C. | Suttle | Witek |
| Crosby | Jones | Raikes | | |

Voting in the negative, 0.

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Lynch | Preister | Will |
| Dierks | | | | |

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 1107.** With Emergency.

A BILL FOR AN ACT relating to the Secure Youth Confinement Facility Fund; to amend section 77-2602, Reissue Revised Statutes of Nebraska; to change provisions relating to the fund; to eliminate obsolete language; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Kiel | Robak | Thompson |
| Bohlke | Elmer | Kristensen | Robinson | Tyson |
| Brashear | Engel | Landis | Schellpeper | Vrtiska |
| Bromm | Hartnett | Matzke | Schimek | Wehrbein |
| Brown | Hilgert | Pedersen, Dw. | Schmitt | Wesely |
| Bruning | Hillman | Pederson, D. | Schrock | Wickersham |
| Coordsen | Hudkins | Peterson, C. | Stuhr | Willhoft |
| Crosby | Jensen | Raikes | Suttle | Witek |
| Cudaback | Jones | | | |

Voting in the negative, 1:

Maurstad

Present and not voting, 1:

Chambers

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Lynch | Preister | 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 appropriate funds to the Board of Trustees of the Nebraska State Colleges and to the Coordinating Commission for Postsecondary Education; to authorize renewal work and renovation and construction at Peru State College; to require a study; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Jones | Raikes | Thompson |
| Bohlke | Dierks | Kiel | Robak | Tyson |
| Brashear | Elmer | Kristensen | Robinson | Vrtiska |
| Bromm | Engel | Landis | Schellpeper | Wehrbein |
| Brown | Hartnett | Matzke | Schimek | Wesely |
| Bruning | Hilgert | Maurstad | Schmitt | Wickersham |
| Chambers | Hillman | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Hudkins | Pederson, D. | Suttle | Witek |
| Crosby | Jensen | Peterson, C. | | |

Voting in the negative, 1:

Schrock

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Lynch | Preister | 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.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 1108, 1100, 1110, 1110A, 63, 1107, and 1138.

## GENERAL FILE

**LEGISLATIVE BILL 1028.** Title read. Considered.

The Standing Committee amendment, AM3654, found on page 1015, was considered.

Mr. Wehrbein renewed his pending amendment, AM3736, found on page 1041, to the Standing Committee amendment.

The Wehrbein amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Messrs. Will, Hartnett, Coordsen, Wickersham, Raikes, Schellpeper, and Mrs. C. Peterson renewed their pending amendment, AM3949, found on page 1218, to the Standing Committee amendment.

The Will et al. 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.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Advanced to E & R for review with 35 ayes, 3 nays, 9 present and not voting, and 2 excused and not voting.

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1104A.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1104, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 373.** Introduced by Kiel, 9.

PURPOSE: The purpose of this study is to examine the ways the state may provide penalties and enforcement against so-called "aggressive driving" or "road rage" on Nebraska highways. The study shall include, but not be limited to:

1. Examining existing statutes, regulations, and programs which may be used to effectively combat aggressive driving;
2. Exploring current local, state, and federal programs or grants to fund equipment and manpower for increased enforcement of current law;
3. Surveying existing or proposed programs, statutes, and legislative action of other states to combat aggressive driving; and
4. Recommending possible future legislative action.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 374.** Introduced by Kiel, 9.

PURPOSE: The purpose of this study is to examine fees associated with the use of automatic teller machines. Components of the study shall include, but not be limited to:

1. Examining existing fees and how and when they are accrued;

2. Determining whether current consumer notification of such fees is sufficient;

3. Examining whether electronic notification and consumer acceptance of any imposed fees after a transaction is initiated, but prior to the consumer being irrevocably committed, is feasible; and

4. Surveying other states' or the federal government's existing or proposed statutes, regulations, and legislative action regarding fees associated with the use of an automatic teller machine.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 375.** Introduced by Kiel, 9.

PURPOSE: The purpose of this study is to examine the possibility of creating a magnetic levitation (MAGLEV) train system between Omaha and Lincoln or between any other suitable points. MAGLEV is a magnetic levitation train which can travel up to 300 miles per hour, which completely encircles the track so that it cannot derail, which can transport 100,000 people per hour, and which costs about the same as a new high-speed freeway. It is a new and exciting technology which not only will facilitate transportation, but make Nebraska a leader in new technology. Components of the study may include, but not be limited to:

1. Examining the technology available for establishing such a line;

2. Analyzing the cost and benefits to the State of Nebraska; and

3. Investigating current and proposed future funding from local, state, federal, and private sources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 376.** Introduced by Kiel, 9.

PURPOSE: The purpose of this study is to examine the ways in which the State of Nebraska can make our schools a safe environment for both the students and the employees. Components of the study may include, but not be limited to:

1. Examining ways to maximize the opportunities of students and school staff to work and learn in a violence-free environment;

2. Exploring ways to more promptly and efficiently transfer students records, including discipline records, from one school district to another; and

3. Defining appropriate corporal punishment while also allowing the use of physical restraint by school employees in appropriate circumstances, for example, for self-defense, for the protection of others, or to quell a disturbance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 377.** Introduced by Kiel, 9.

PURPOSE: The purpose of this study is to examine the ways in which the State of Nebraska can establish a hate crimes taskforce. Components of the study may include, but not be limited to:

1. Determining who should sit on the task force and in what capacity;

2. Examining the needs of state and local law enforcement agencies in training and educating officers for the investigation and reporting of hate crimes;

3. Examining ways in which the public can be educated about hate crimes; and

4. Surveying other states' or the federal government's existing or proposed hate crimes task forces.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 378.** Introduced by Bromm, 23.

WHEREAS, the Wahoo Warriors boys' basketball team won the 1998 Class C-1 Boys' State High School Basketball Championship; and

WHEREAS, the Wahoo Warriors finished the season with a record of 23-3; and

WHEREAS, the Wahoo Warriors entered the state tournament as an unranked underdog in each of their three tournament games; and

WHEREAS, the Wahoo Warriors won the Class C-1 championship by defeating the Milford Eagles 57-45; and

WHEREAS, the Wahoo Warriors have made 28 state tournament appearances; and

WHEREAS, the Wahoo Warriors' success in the state tournament ranks as among the best in state history; and

WHEREAS, this is the eighth championship in eleven seasons garnered by the Wahoo Warriors; and

WHEREAS, the Wahoo Warriors have appeared in ten championship games, winning nine state championships in 1926, 1988, 1989, 1990, 1991, 1993, 1994, 1996, and 1998; and

WHEREAS, the Wahoo Warriors exemplified dedication, discipline, and perseverance through talent and hard work; and

WHEREAS, each member of the Wahoo Warrior's boys' basketball team was an integral component of the 1998 championship season; and

WHEREAS, Coach Mark Watton and his assistant coaches displayed and provided effective guidance and leadership throughout the season.

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

1. That the Legislature recognizes and congratulates the Wahoo Warriors 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 379.** Introduced by Schellpeper, 18.

PURPOSE: LB 1296 was introduced during the 1998 legislative session as an effort to provide incentives for landowners to rent agricultural assets to beginning farmers. The original bill proposed a tax credit applied against the asset owner's state income tax liability for agricultural land or livestock production facilities rented on a share-rental basis to qualified beginning farmers or livestock producers. The purpose of this study is to look at the feasibility of the Small Farmer Tax Credit and to look at other aspects of providing incentives. Additional considerations could include, but not be limited to:

(1) Allowing for the lease of livestock to be included as agricultural assets;

(2) Looking at alternative incentives such as capital gains credits (credits against gross income from a share-lease); and

(3) Bankruptcy protection for the owner of the assets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 380.** Introduced by Schellpeper, 18.

PURPOSE: Those persons involved in production agriculture consistently experience high rates of illness and injury as a result of their chosen profession. Health care costs are often prohibitive for these individuals. The purpose of this study is to consider the creation of a Certified Safe Farms Program which would be designed to reduce the high rate of illness and injury in production agriculture through safety education, occupational health screening, and on-site farm safety assessment and the development of reduced cost insurance programs for those that participate in the program. Topics to be covered in this study may include, but would not be limited to: (1) Potential conflicts with existing Nebraska insurance law; (2) legal ramifications of a farm having been certified as a "safe farm", (3) receptiveness of the consumer to farm safety assessments; (4) potential for the program to become self-sustaining and self-financed; (5) who would conduct and finance the educational part of the project; and (6) the overall role of the state in such a program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 381.** Introduced by Schellpeper, 18.

PURPOSE: States surrounding Nebraska have developed welcome centers that offer persons traveling through the state information about business and tourism in the region. These welcome centers have been shown to boost economic development, extend stays by tourists, and provide a better awareness of the area by the traveling public. The proposed Corps of Discovery Welcome Center at the scenic overlook on U.S. Highway 81, two miles south of Yankton, South Dakota, will provide an appealing site for visitors to Nebraska by providing information, space, and facilities that will enhance visitors' perceptions of the area while extending their stays. The purpose of this study is to look at the economic development benefits of a welcome center in Nebraska and to look at the potential for state funding in conjunction with other revenue sources for building and maintaining welcome centers in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 382.** Introduced by Schellpeper, 18.

PURPOSE: Understaffing within the Department of Motor Vehicles and time constraints related to scheduling both testing and required driving components for commercial drivers' license (CDL) applicants has made it difficult for many such applicants to complete the required process prior to employment. Additionally, some businesses, such as custom harvesters, would benefit from a time-limited restrictive license that would not be subject to the standard CDL training and testing requirements. The purpose of this study is to review commercial drivers' license requirements, training, and testing procedures and determine if such a restrictive license classification is feasible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 383.** Introduced by Bromm, 23.

PURPOSE: To examine the needs, implications, and potential results of enacting the provisions contained in Legislative Bill 508, the Prison Litigation Reform Act, introduced during the Ninety-fifth Legislature, First Session, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 384.** Introduced by Dierks, 40.

PURPOSE: There are over twelve thousand Nebraskans of Native American

ancestry. The frequency of Native Americans reportedly suffering from preventable ailments, including diabetes and cardiovascular disease, exceeds that of the white population and of the total population by an alarming rate. Poor health habits, such as alcohol abuse, smoking, and poor diet are often attributed to the pressures accompanying poverty and unemployment. These habits contribute to the problems which result in the loss of years of productive life.

The purpose of this study is to investigate the underlying reasons for the higher incidence of preventable diseases among Native Americans and to examine the impact that health education and preventive health care programs can have on the lives of Native Americans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 385.** Introduced by Dierks, 40.

PURPOSE: Many alternative medical treatments are available for cancer and other diseases to patients opting for alternative treatment. Some alternative medical treatments have undergone rigorous scientific testing for their curative value. Many that have been tested don't show effectiveness. Still, some forms of alternative therapy are recognized as helpful in caring for patients and helping them cope with some illnesses. Recognizing that licensed medical professionals are the best source of information about alternative medicine as a supplement to conventional treatments, it is the intent of this study to generate discussion and develop legislation to respond to the public demand for less invasive, less expensive, and less disruptive medical care than is offered through conventional methods of treatment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 386.** Introduced by Wickersham, 49; Kristensen, 37; Coordsen, 32; Will, 8.

PURPOSE: To study the committee structure of the Nebraska Legislature, including:

(1) The method of selecting Committee on Committees members, including caucus composition;

(2) The composition, including the number of members assigned, of each of the standing committees;

(3) The distribution of subject matter for committees;

(4) The criteria for referring bills and resolutions to committees; and

(5) The scheduling of hearings for standing committees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 387.** Introduced by Bohlke, 33.

PURPOSE: The purpose of this resolution is to study the issue of charter schools and recommend legislation, if appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 388.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16; Thompson, 14.

PURPOSE: The Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act, adopted by the Legislature in Laws 1997, LB 255, directed the Department of Roads to develop a comprehensive public safety program to deal with problems associated with public and private highway-rail grade crossings. In designing such a program, the department is to establish a process for assessing the risk to the public for particular grade crossings and for reducing or eliminating such risk in a cost-effective and timely manner.

The act directs the Department of Roads to actively solicit input from the public and from representatives of county and municipal governments, the Federal Highway Administration, the Federal Railroad Administration, and any other individuals or entities with an interest in grade crossing safety. The

grade crossing safety assessment process shall be established no later than September 1998.

The act also requires the Department of Roads to recommend to the Legislature, no later than March 1999, an equitable formula for funding grade crossing risk abatement.

In compliance with the act, the Department of Roads has contracted with a team of engineering, design, and other professionals to develop the assessment process which will enable the Department of Roads to adopt and promulgate rules and regulations establishing a comprehensive public safety program to deal with problems associated with public and private highway-rail grade crossings.

LB 1157, introduced in 1998, emphasizes the public's concern with grade crossing safety and traffic disruptions resulting from continuing increases in both vehicle and rail traffic.

The purpose of this resolution is to provide for legislative oversight as the Department of Roads carries out the provisions set forth in Laws 1997, LB 255, adopting rules and regulations establishing a comprehensive public safety program to deal with problems associated with public and private highway-rail grade crossings and developing recommendations for an equitable formula for funding grade crossing risk abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 Kiel, 9.

PURPOSE: The purpose of this study is to examine the ways that the state may provide financial support to both urban and small communities for neighborhood development projects. Components of the study may include, but need not be limited to:

1. Existing sources of state funding that may be used to provide financial assistance to neighborhood associations and neighborhood development projects;

2. Possible new state funding sources that may be established and earmarked to fund a neighborhood development assistance program and any administrative expenses;

3. Possible sources of nonstate funding that may be available to leverage state and local funding; and

4. An examination of neighborhood development projects that would have a positive impact on the vitality, cohesiveness, and continued visibility of neighborhoods in urban and small communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-FIFTH 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 390.** Introduced by Kiel, 9; Wesely, 26.

PURPOSE: The purpose of this study is to examine the net effect of the Quality Jobs Act and Employment and Investment Growth Act on employment. Components of the study may include, but need not be limited to:

1. Determining the number of employees who have been laid off, furloughed, or otherwise are no longer employed by agreement partners of the Quality Jobs Act, the Employment and Investment Growth Act, or other similar acts;

2. Exploring whether such employees did the same or substantially the same work as newly hired employees or trainees who allowed agreement partners to qualify for the incentives and benefits of the Quality Jobs Act, the Employment and Investment Growth Act, or other similar acts;

3. Examining whether new employees or trainees under these acts result in a net state tax base loss or other state benefit loss if there is in fact a concomitant loss of employees for new employees or trainees of the agreement partners; and

4. Investigating ways in which the statutes of Nebraska may be changed to more accurately carry out the intent of the Legislature in the Quality Jobs Act, the Employment and Investment Growth Act, or other similar acts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1998, at 10:15 a.m., were the following bills: LBs 1108, 1100, 1110, 1110A, 63, 1107, and 1138.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 1100.

(Signed) Daniel C. Lynch

## GENERAL FILE

**LEGISLATIVE BILL 59.** Considered.

The Standing Committee amendment, AM0691, found on page 1188, First Session, 1997, was considered.

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.

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Vrtiska withdrew his amendment, AM1604, found on page 1589, First Session, 1997.

**SPEAKER KRISTENSEN PRESIDING**

Advanced to E & R for review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 391.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; Matzke, 47; C. Peterson, 35; Robinson, 16; Thompson, 14; and Kiel, 9.

PURPOSE: The purpose of this interim study is to examine the way the state may modify the Nebraska Rules of the Road to address the problem of "aggressive driving" or "road rage" on Nebraska highways. Components of the study may include, but are not limited to:

1. Examining the Nebraska Rules of the Road and the Nebraska Criminal Code, rules and regulations, and programs which may be used to effectively combat aggressive driving, including current local, state, and any general programs or grants to fund equipment and manpower for increased enforcement of the current traffic laws; and

2. Survey existing or proposed programs, statutes, and legislative action in other states which are intended to combat aggressive driving and recommend possible future legislation for Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 392.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16; Thompson, 14; and Crosby, 29.

PURPOSE: The purpose of this interim study is to review the provisions of LB 937, introduced during the 1998 session of the Legislature, and other relevant information involving telemarketing fraud and the abuses that arise in the context of telephone solicitations, including abuses involving illegal changes in telephone subscriber carrier selection, commonly called "slamming". The study will:

1. Examine, among other things, rules and regulations promulgated by the Federal Communications Commission and the Federal Trade Commission with respect to telemarketing, including those regulations found at 47 C.F.R. 64.1100 and 16 C.F.R. 310, et seq., as well as other federal statutes and regulations;

2. Examine statutes, rules, and regulations from other states and telemarketing industry standards which provide models and solutions for combating telemarketing fraud and abuses; and

3. Propose possible legislation for future adoption by the Legislature which will combat telemarketing fraud and abuses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 393.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; Matzke, 47; C. Peterson, 35; Robinson, 16; Thompson, 14; and Schrock, 38.

PURPOSE: During the Ninety-fifth Legislature, Second Session, 1998, the Transportation Committee studied LB 1325, which related to historical vehicles and motor vehicle titles and amended sections 60-117 and 60-311.20, Reissue Revised Statutes of Nebraska. In addition, the

Legislature notes that the general provisions of Article 60, Chapter 1, Reissue Revised Statutes of Nebraska, which govern certificates of title for motor vehicles, have not been completely examined or recodified since 1943. This interim study shall:

1. Examine the provisions of LB 1325 (1998) in the context of a general review of the statutes governing the issuance of certificates of title for motor vehicles; and

2. Suggest changes and improvements, if needed, to the statutes governing the issuance of certificates of title for motor vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 394.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16; Thompson, 14.

PURPOSE: The Legislature recognizes that the carrier enforcement division of the Nebraska State Patrol is critical in enforcing Nebraska's transportation of hazardous material laws and overseeing the transportation of goods in Nebraska. The Legislature also recognizes that with respect to other regular employees of the Nebraska State Patrol, the carrier enforcement division has a different pay level, different retirement plan, and more specialized enforcement authority under Nebraska laws. The interim study shall examine:

1. The current structure and division of authority between the carrier enforcement division and the other divisions of the Nebraska State Patrol with respect to the enforcement of the Nebraska Rules of the Road and other traffic and transportation related laws in the State of Nebraska; and

2. Any proposals for improvements with respect to the structure and organization of the Nebraska State Patrol.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 395.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16; Thompson, 14.

PURPOSE: The Legislature finds that the continued growth and health of the State of Nebraska depends on the continued safety and maintenance of the highway infrastructure. In particular, the Legislature recognizes that the federal Intermodal Surface Transportation Efficiency Act of 1998 (ISTEA) has been passed by the United States Senate as of March 12, 1998, but that no final resolution to the continuation of the federal highway funds program has been created. Recognizing the importance of ISTEA and Nebraska's Highway Trust Fund, the Legislature intends to monitor and study the continued viability of highways, highway construction, and highway maintenance in the State of Nebraska. This interim study shall:

1. Monitor and report to the Legislature the current and continuing situation with respect to the reauthorization of the federal ISTEA legislation and suggest possible solutions to difficulties raised by the lack of definitive federal legislation; and

2. Study and report to the legislature possible funding, administrative, or safety problems which may arise within the programs which construct and maintain Nebraska's highways, including the Department of Roads, the Federal Highway Administration, or any other agency having responsibility for highways in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 396.** Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: In 1993, the Nebraska Supreme Court ruled in Kwik Shop v. City of Lincoln that the laws which provided authority to local governments to issue or deny retail liquor licenses were unconstitutionally vague and therefor constituted an impermissible delegation of legislative authority. Legislation has been introduced in each session since then to respond to this issue. LB 249, introduced in 1997, advanced to Select File but was not advanced due to the attachment of conflicting amendments. This study shall include, but is not limited to, examination of the following:.

1. Appropriate role and function of the Nebraska Liquor Control Commission in the process of issuing, denying, and regulating retail liquor licenses;

2. Appropriate role and function of local governing bodies in relation to licensing, suspension, or revocation of retail liquor licenses;

3. Appropriate procedures to gather public input and conduct hearings and appeals concerning licensing, suspension, or revocation of retail liquor licenses;

4. Whether license fees and occupation taxes are at an appropriate level; and

5. 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-FIFTH 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 397.** Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: There is documented evidence indicating that use of the Internet for gaming purposes is rapidly increasing. Regulation of gaming activities on the Internet raises a number of issues, including enforcement issues, privacy issues, and jurisdictional issues. LB 1043 was introduced in the 1998 Legislature to address this issue but remains in committee at the present time. This study shall include, but is not limited to, examination of the following:

1. Internet gaming activities being offered to persons in the State of Nebraska;

2. Whether law enforcement is pursuing efforts to prevent Internet gaming activities or enforce current gaming laws against persons offering such activities;

3. Whether legislation should be enacted to prohibit Internet gaming or other illegal activities made available through the Internet;

4. Limitations on legislation prohibiting or regulating Internet gaming or other illegal activities made available through the Internet in order to protect legitimate activities of Nebraskans and the likely impact of such legislation;

5. Enforcement efforts of other states and the federal government concerning Internet gaming;

6. Legislation by other states and the federal government concerning Internet gaming;

7. Whether there is model legislation concerning Internet gaming; and

8. 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-FIFTH 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 398.** Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Robak, 22; Vrtiska, 1; Will, 8; and C. Peterson, 35.

PURPOSE: Revenue from charitable gaming has declined significantly in the last two years. Many keno games conducted on behalf of county and city lotteries have much lower revenue than they did two or three years ago. Charities which conduct bingo games or sell pickle cards have been forced to find other sources of funding or discontinue some of their charitable activities. There are a number of reasons for the decline, including the proximity of casino gaming in at least three of the states which border Nebraska and the loss of interest in Nebraska gaming activities which have not been changed recently. There has also been anecdotal evidence of a number of illegal gaming activities available to Nebraskans, including video gaming devices. There have been several legislative bills introduced in the last two legislative sessions concerning various issues concerning charitable gaming, but none has advanced beyond General File. This study shall include, but is not limited to, examination of the following:

1. Whether legislation is needed to make charitable gaming activities more interesting or competitive with activities in other states;

2. Whether legislation is needed to combat the use of devices which are of questionable legality, such as increasing fees for their use or changes in definition of illegal devices;

3. Whether changes are needed in the regulation or tax structure of charitable gaming; and

4. Any other issues appropriate for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 399.** Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45;

Hudkins, 21; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: Parimutuel wagering on horseracing at licensed racetracks has been conducted in the State of Nebraska since 1935. In recent years horseracing has experienced significant declines in attendance and revenue. This has resulted in a number of major changes in horseracing including the closing of the Aksarben track. The opening of the new Horsemen's Park in Omaha, a facility which runs primarily as a simulcasting facility at the present time with the hope of generating revenue to begin conducting a more extensive live racing schedule in future years, may signal a new direction for horseracing in this state. However, there are a number of legal and policy issues which deserve examination as horseracing adjusts to the current situation. This study shall include, but is not limited to, examination of the following:

1. Whether it is beneficial to have fewer days of live racing with larger purses in order to generate excitement about live racing;

2. Whether there are provisions relating to horseracing which are required by statute which would be better decided as a matter of business practices among interested parties or governed by rule of the State Racing Commission;

3. Whether statutory changes are needed to encourage horsebreeding in Nebraska;

4. Whether statutory changes are needed to respond to new ownership interests, including for-profit ownership, and the possibility of conflicts of interest by the horsemen's organization between its role as representative of the owners and trainers and its role as owner and operator of a racetrack;

5. Whether the State Racing Commission should be granted additional authority to obtain financial information from racetracks in order to maintain the integrity of racing;

6. Whether live racing is conducted on an appropriate schedule in relation to factors of population, weather, and availability of horses;

7. Whether other gaming opportunities at racetracks should be approved to increase revenue for horseracing and attract additional fans to the sport;

8. Whether changes in the Constitution of Nebraska relating to racing or gaming are needed to respond to current economic conditions and legal issues; 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-FIFTH 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.

## SELECT FILE

**LEGISLATIVE BILL 1010.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1191.** E & R amendment, AM7217, found on page 969, was adopted.

Mrs. Crosby asked unanimous consent to replace the Crosby et al. pending amendment, AM3476, found on page 943, with a substitute amendment. No objections. So ordered.

Mrs. Crosby withdrew the Crosby et al. amendment, AM3476, found on page 943.

Mrs. Crosby renewed her substitute pending amendment, AM3754, found on page 1136.

The Crosby amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Wickersham renewed the Janssen-Wickersham pending amendment, AM3832, printed separately and referred to on page 1136.

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

The Janssen-Wickersham amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1333.** E & R amendment, AM7220, found on page 1005, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1333A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1073.** E & R amendment, AM7219, printed separately and referred to on page 1080, was adopted.

Mrs. Witek withdrew her amendment, AM3086, found on page 597.

Mmes. Suttle and Thompson reoffered their amendment, AM3144, found on page 914 and considered on page 964.

**MR. COORDSEN PRESIDING**

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 400.** Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: The policy of the State of Nebraska has consistently discouraged consumption of alcoholic liquor by individuals under the age of twenty-one. However, underage drinking continues to be a matter of concern because of documented evidence of the high percentage of young people who drink, especially those who drink excessively, and the tragedies which can result from this activity. There have been several bills introduced in response to this problem, including bills to increase penalties for minors in possession of alcohol and for minors who obtain alcohol from licensed retailers. Suspension of driver's licenses for minors has been suggested as an effective deterrent. Legislation was also introduced to increase penalties for retailers who sell to minors, based upon statistics which indicated that approximately thirty-six percent of retailers sold to minors in compliance checks by law enforcement. This study shall include, but is not limited to the following:

1. Whether increased penalties, including suspending a minor's driver's license, are effective in deterring underage drinking;

2. Whether compliance checks are a necessary and appropriate method for law enforcement and the Nebraska Liquor Control Commission to enforce the laws related to underage drinking;

3. Whether law enforcement need statutory changes to assist in enforcing laws related to underage drinking and regulation of licensed establishments;

4. Whether the Nebraska Liquor Control Commission needs additional authority over licensed establishments to make retailers more vigilant about underage drinking;

5. Whether policies can be enacted to encourage retail liquor establishments to assist in preventing underage drinking; and

6. Any other matters appropriate for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 401.** Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Robak, 22; Vrtiska, 1; Will, 8; and Bohlke, 33.

PURPOSE: The 1998 Legislature has made a number of policy choices to change the method of allocating State Lottery Act revenue. In addition, there are questions about methods of increasing lottery sales, including increasing the amount of payout, providing bonuses to retailers for sales, and permitting the Lottery Division of the Department of Revenue to conduct limited retail sales with using a retail sales agent. This study shall include, but is not limited to, examination of the following:

1. Whether State Lottery Act revenue should be allocated in a different manner from that currently required by statute;

2. Whether an increased percentage of payout to players would increase sales;

3. Whether bonuses or other methods of compensation would provide incentives for retailers to increase sales;

4. Whether there are sales opportunities that are not currently being met under the current system; and

5. Any other matters appropriate for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 402.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16; Thompson, 14.

PURPOSE: The Legislature finds that the continued growth and health of the rural parts of the State of Nebraska are dependent upon maintaining affordable access to information technology and reasonable telecommunications cost. The proposed Universal Service Fund promulgated by the Federal Communications Commission under its authority granted by the federal Telecommunications Act of 1996, P.L. 104-104 (1996), has drawn the Legislature's attention to the need to plan for the maintenance of affordable access to telecommunications and information technology in rural Nebraska. This interim study will:

1. Study and report to the Legislature issues which affect affordable access under the federal Telecommunications Act of 1996 and the policies, procedures, and regulations promulgated by the Federal Communications Commission or other federal agencies; and

2. Study and report to the Legislature further needs and possible solutions which will assist in maintaining affordable access to telecommunications and information technology in rural Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 403.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16; Thompson, 14.

PURPOSE: The purpose of this study is to examine the current enforcement powers of the Public Service Commission with respect to the enforcement of interconnection agreements and access charges with respect to telecommunications in Nebraska. During the Ninety-fifth Legislature, Second Session, 1998, LB 1297 and LB 1358 were introduced. These legislative bills contained proposals to: Modify the powers of the Public Service Commission; change provisions relating to access charges; provide an eligibility condition for universal service funding; establish standards for interconnection service quality; provide a stated intent; provide powers and duties for the Public Service Commission; and change provisions relating to cost recovery in the context of telecommunications. The interim study shall examine the above-stated proposals, any other proposals related thereto, and the general subject matter contained in LB 1297 (1998) and LB 1358 (1998) in the context of both the public policy of the State of Nebraska and the federal Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (1996) and its rules and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 404.** Introduced by Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16; Thompson, 14.

PURPOSE: The Legislature finds that the continued growth and continuing modification of the telecommunications industry creates an environment in which the Legislature must monitor changes on the federal level in the context of the federal Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (1996), in the rules and regulations issued pursuant to the act, and

in the development of telecommunications technology and the increasing telecommunications industry-wide competition. This interim study will:

1. Monitor and report to the Legislature changes in the federal Telecommunications Act of 1996 and the policies, procedures, and regulations promulgated by the Federal Communications Commission or any other federal agency; and

2. Monitor and report to the Legislature changes in telecommunications technology which have significant implications for the public policy of the State of Nebraska both in public and private arenas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 405.** Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine the high cost of automobile insurance in the State of Nebraska and to find alternatives to territorial rating. The study shall include a review of options to reduce insurance costs including, but not limited to, the potential of no-fault insurance. The study shall also include an accurate, objective assessment of Nebraska automobile insurance liability rates and other insurance rates as they compare to the other states in the country.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 406.** Introduced by Jensen, 20; Coordsen, 32.

PURPOSE: The budget and appropriations process of state government is of the utmost importance to the state's taxpayers in that the level of state spending directly effects how much the citizens and families of Nebraska pay in taxes. How much money we spend as a state is determined by a multitude of factors. It is often difficult for the Legislature to exercise responsible oversight in the budget/appropriations process, for legislative

committees to oversee the budgets of the agencies within their subject matter jurisdiction, and for the Legislature to be adequately apprised of the nature and extent of federal funding to the state of Nebraska and the effect of such funding on state general fund expenditures and the state's overall public policy.

Without adequate and reasonable oversight, the Legislature is handicapped in its ability to reduce taxes to the people of Nebraska, reduce government spending, and to implement policies and procedures that are focused on alternatives to larger government and more government spending to provide for the general welfare of Nebraskans.

The purpose of this resolution is to conduct a comprehensive study of the legislative appropriations and budgeting process in the State of Nebraska, including, but not limited to, a survey of the budget/appropriations process in other states, and a general review and assessment of the budget/appropriations process in the State of Nebraska to identify needed changes, if any. The study shall concern itself with, but not be limited to, maximizing oversight and participation by all members of the Legislature in the budget/appropriations process, encouraging committee review of budgets for agencies within their subject matter jurisdiction, and conducting a comprehensive review and assessment of federal funding allocations to the State of Nebraska.

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

1. That a six-member committee of the Legislature be designated by the Chairperson of the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its 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 C. Peterson, 35; Schellpeper, 18; Willhoft, 34; Hartnett, 45; Lynch, 13; Tyson, 19; Kiel, 9; Dierks, 40; Dw. Pedersen, 39; Wehrbein, 2.

PURPOSE: To systematically study the three state grant programs, including the State Scholarship Award Program (SSAP), the Scholarship Assistance Program (SAP), the Postsecondary Education Award Program (PEAP), and the increased funding levels these programs have received. In 1997-98, total state funding for the programs was $3,727,933 and was disbursed to needy students. When federal dollars are included, the total funding was $4,093,577. The study shall include, but not be limited to:

1. A review and evaluation of the current statutes to determine whether or not the original goals and purposes of these programs are being achieved for all students;

2. Assess each program to determine whether or not all students are encouraged to participate in these programs, including students who attend private and not-for-profit institutions, and determine if a conflict exists on

the same subject matter and analyze how the Legislature may address, through future legislation, any changes that may be required to more effectively ensure uniformity for all students throughout the state;

3. Weigh the possibility of outlining specific funding mechanisms for the different programs and different institutions so that all students are receiving the same opportunities with special focus being given to the practical impacts of funding of state dollars and the statutory mandate to provide similar opportunities and the related consequences if sufficient funding is not provided on an equal basis to all institutions;

4. Review and evaluate national and regional accreditation bodies to ensure quality and to establish specific standards. Special emphasis will be placed on how the approval process is achieved and how current statutes restrict some students attending private and not-for-profit colleges the ability to participate in the PEAP program;

5. Conduct at least one public hearing to provide an opportunity for public comment and discussion with members of the education community, the Legislative Fiscal Office, the budget office, and other interested parties; and

6. Any other matters necessary or proper for a complete examination of this issue.

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

1. That the Appropriations Committee and the Education Committee of the Legislature be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees, 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 408.** Introduced by Thompson, 14; Brown, 6; Kiel, 9; Tyson, 19; Hartnett, 45; Engel, 17; Dierks, 40; Dw. Pedersen, 39; Landis, 46; Wesely, 26; Robak, 22; Hilgert, 7; Bohlke, 33.

PURPOSE: The purpose of this resolution is to recognize the important part played by cigarette tax revenue and to explore the following issues regarding the impact of the proposed resolution of the nationwide tobacco settlement and the proposed federal cigarette tax increase on current state program funding levels and related efforts:

(1) Since the revenue raised by the cigarette tax depends on cigarettes sales, will the proposed legislation regarding significant increases in federal cigarette taxes affect the Department of Health Cash Fund?

(2) Will these same federal cigarette tax increases affect the funding levels for cancer and smoking-disease research in Nebraska?

(3) Will these same federal cigarette tax increases affect the funding levels for other state sponsored cancer and smoking-disease related efforts?

(4) Do state cigarette tax levels and tobacco settlement funds need to be adjusted in light of the proposed federal increases to continue adequate levels of funding for state programs?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 409.** Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study changes occurring in the profession of public accountancy in Nebraska and nationally, and to study whether there are appropriate and timely legislative responses for Nebraska to the changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 410.** Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should revise and update its statutes regarding banking and finance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 411.** Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should revise its statutes regarding the filing system for the perfecting of liens and security interests. The study should include a review of the provisions in LB 1321 of 1998.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 412.** Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should adopt the Uniform Principal and Income Act (1997) in place of Nebraska's version of the 1962 uniform act on this subject.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 413.** Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should adopt the Revised Uniform Simultaneous Death Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should adopt the Revised Uniform Testamentary Additions to Trusts Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 415.** Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should consider revising the Property and Casualty Insurance Rate and Form Act to provide for alternative regulatory requirements for insurers who issue commercial line insurance products.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 416.** Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should revise current statutes regarding continuing education requirements and licensing provisions for insurance producers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 417.** Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study Nebraska's regulatory authority over various types of managed care arrangements and examine possible changes in the insurance statutes in light of the provisions in LB 1162 of 1998.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 418.** Introduced by Hillman, 48; Wickersham, 49.

PURPOSE: To conduct a risk assessment of the Medicaid Program to assist with planning for future costs. From 1985 through 1995, annual increases in the Medicaid Program ranged from four to twenty-five percent. The study will generate information to assist the Legislature in determining a level of future annual obligations. The study shall include, but not be limited to, the examination of the following components:

1. Acute health care; and

2. Long-term care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 419.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Preister, 5; Robak, 22; Schimek, 27; Will, 8.

PURPOSE: This study, following a decade-long tradition, would provide the opportunity for the committee to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Urban Affairs Committee and which may be the subject of bills to be introduced in the next legislative session. This would provide the opportunity for a careful review of proposed legislation and the drafting of such legislation before time constraints and the pace of legislative activity makes studied review more problematic. This process has also served to facilitate review of bills during the session and has helped the committee avoid the need for committee amendments which slow down the consideration of bills by the full Legislature.

The study will involve:

(1) A review of legislation considered by the Urban Affairs Committee during the 1998 regular session which was either killed by the committee or held in committee to determine what other further action by the committee might 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 start of the next legislative session;

(3) A study of the historical workload of the Urban Affairs Committee and the issues generally referenced to the committee; and

(4) The conducting 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 matters within the committee's jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 420.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Preister, 5; Robak, 22; Schimek, 27; Will, 8.

PURPOSE: During the 1997 legislative session, the Urban Affairs Committee considered LB 763, the Plumbing License Law. This legislation would license plumbers on a statewide basis through the Department of Health and Human Services, as opposed to the current system of licensure on a city-by-city basis according to local standards.

Because of the implications of the changes proposed in the legislation, it was deemed most appropriate by the committee to defer action on the bill pending the fuller review and closer scrutiny that would be afforded by an interim study on the issues raised by the proposal.

The study led to the introduction of LB 1340 in the 1998 legislative session which further refined the proposal and led to additional fruitful dialogue at the public hearing on the concepts underlying the legislation.

The purposes of this study will be to review the provisions of LB 1340, based upon the issues raised at the hearing on the bill, and determine whether it would be feasible or advisable to adopt it as an alternative to current Nebraska law and practice and, if so, what form proposed changes should take.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 421.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Preister, 5; Robak, 22; Schimek, 27; Will, 8.

PURPOSE: In this legislative session, the Urban Affairs Committee continued its review of LB 876, the Nebraska Housing Agency Act, a comprehensive rewrite of Nebraska's housing authority statutes. As the result of major changes in federal legislation and patterns of financing, it will become increasingly difficult for Nebraska to meet the housing needs of its less fortunate citizens without substantial changes in its laws to enable housing authorities to diversify their activities and take advantage of cooperative developments with private businesses and developers.

The committee declared LB 876 as one of its committee priority bills for both 1997 and 1998 and has embarked upon a major review of the provisions of the original bill which is more than one hundred pages long. During the 1998 session, the committee is completing the development of an amended version of the bill to serve as a basis for further discussion. In order to provide the opportunity for more careful analysis of this version of the bill and its implications and to afford members of the public and interested parties the opportunity to participate in the process, the committee determined that it would be most appropriate to conduct an interim study on the bill to permit this discussion and analysis.

The purpose of this study will be to continue the committee study and review the original and amended versions of LB 876 and their implications, to discuss further appropriate amendments to the original bill, and to solicit comments, suggestions, and recommendations from the state's current housing authorities, members of the construction and housing industry, and members of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 422.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Preister, 5; Robak, 22; Schimek, 27; Will, 8.

PURPOSE: One of the core elements of the jurisdiction of the Urban Affairs Committee is the planning and zoning authority of cities and villages. Because of the increased development going on in many areas of the state, it is important for the committee to revisit our statutes governing those activities to determine if they are appropriately protecting the public interest.

This study should include the following:

(1) A review of the laws governing the operations of cities of all classes

and villages with regard to planning, zoning, subdivision regulation, development, and annexation;

(2) A study of the operation of the various municipal bodies engaged in the planning and development process, including planning commissions, community redevelopment authorities, 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 their residents and the services which such residents receive from neighboring cities and the counties in which they reside;

(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;

(7) A study of impact fee legislation for use in the financing of suburban development and the role it could play in permitting "up-front" annexation by municipalities; and

(8) An examination of the costs involved in financing municipal development and facilitating economic development in cities and their surrounding areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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.

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 924 and 924A.

### Enrollment and Review Change to LB 924

The following changes, required to be reported for publication in the Journal, have been made:

ER9137

1. The following new section has been inserted:

"Sec. 71. Sections 18 to 29, 53, 54, 56 to 68, and 73 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective

date.".

2. Sections and subsections have been renumbered and the repealers and internal references changed accordingly.

3. In lieu of the Coordsen amendment, AM3971, in the E & R amendments, AM7232, on page 14, line 14, "The Executive Board of the Legislative Council shall designate staff with appropriate technical experience to provide the staff support for the review." has been inserted after the period; and the matter beginning with "The" in line 16 through line 17 has been struck.

4. In the Hillman amendment, AM3931, on page 1, the matter beginning with "review" in line 7 through the underscored comma in line 8 has been struck; and in line 9 the comma has been struck.

5. On page 1, lines 2 through 16 and all amendments thereto have been struck and "9-812, 9-836.01, 52-1302, 52-1307, 52-1312, 52-1313, 52-1318, 52-1602, 77-2702.03, 79-1310, 79-1327, 81-1108, 81-1116, 81-1116.02, 81-1117.02, 81-1120.38, 81-1167, 81-15,177, 81-2304, 81-2308, 81-2602, 81-2604, 81-2605, and 84-407, Reissue Revised Statutes of Nebraska, sections 33-101, 81-1102, 81-1107, 81-1117, 81-1120.17, 81-1195, and 81-1199, Revised Statutes Supplement, 1996, sections 60-308, 77-2701, 84-1205.01, 84-1205.02, 84-1205.03, and 84-1205.05, Revised Statutes Supplement, 1997, and sections 1-101, 9-306, 9-307, 9-411, 9-415, and 9-420, Uniform Commercial Code; to state intent; to create the Nebraska Information Technology Commission, the office of Chief Information Officer, a panel, a retraining program, and funds; to eliminate a fund; to provide and change powers and duties; to provide, change, and eliminate provisions relating to fees and distribution of fees; to rename a division of the Department of Administrative Services; to adopt the Nebraska Plane Coordinate System Act; to provide for the use of digital signatures; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Jon C. Bruning, Chairperson

## VISITORS

Visitors to the Chamber were Jane, Darin, Derek, Danae Garfield, and Wendy Emken from Aurora; Alice and Carrie Kessel from Salt Lake City, Utah; 14 eighth grade students and teacher from Cedar Canyon School, Gering; 38 fourth grade students and teachers from St. Mary's School, Bellevue; and 22 fourth grade students and teachers from Weeping Water Public School.

## RECESS

At 12:01 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 Messrs. Abboud, Bromm, Cudaback, Dierks, Janssen, Landis, Matzke, Dw. Pedersen, Robinson, Tyson, Will, Mmes. Bohlke, Brown, Robak, and Ms. Schimek who were excused until they arrive.

## AMENDMENT - Print in Journal

Mr. Maurstad filed the following amendment to LB 1028:
AM4120

1. Strike original section 1 and insert the following new section:

"Section 1. Section 77-2715.02, Revised Statutes Supplement, 1997, 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) ~~Except as provided in subdivision (2)(c) of this section, 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;~~

~~(c)~~ For tax years 1997 and 1998, 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 .6784, .9432, 1.3541, and 1.8054;

(e) For tax year 1999 and all subsequent tax years, 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 .6472, .9014, 1.2933, and 1.7274;

(f) 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

(g) 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.".

## SELECT FILE

**LEGISLATIVE BILL 395.** E & R amendment, AM7202, found on page 610, was adopted.

Mr. Chambers asked unanimous consent to replace his pending amendment, AM3280, found on page 815, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, AM3280, found on page 815.

Mr. Kristensen renewed his substitute pending amendment, AM4105, found on page 1345.

Mr. Chambers requested a division of the question on the Kristensen amendment.

The Chair sustained the division of the question.

The first Kristensen amendment is as follows:
FA649

(Amendments to Standing Committee amendments, AM1138)

1. Strike sections 6, 7, 8,

2. On page 1, line 13; and page 3, lines 9 and 16, strike "15" and insert "11".

3. On page 3, strike beginning with the first "is" in line 9 through "and" in line 10; in line 12 strike "4 to 6 and 9" and insert "4, 5, and 6"; in line 15 strike "confidentiality or"; in line 17 strike "confidentiality"; strike beginning with "If" in line 20 through "neither" in line 21 and insert "Neither"; strike beginning with the comma in line 23 through the comma in line 24; and in line 26 strike "a confidential part of".

4. On page 4, line 1, strike "sections 5 and 6" and insert "section 5"; in lines 5 and 22 strike "confidentiality protection" and insert "protection provided in section 3"; and in line 9 strike ", after an in camera review,".

5. On page 7, line 11, strike "10" and insert "7".

6. On page 9, line 6, strike "11" and insert "8"; in line 9 strike "12" and insert "9"; and in line 16 strike ", 6, or 8".

7. Renumber the remaining sections accordingly.

Messrs. Bruning and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

The first Kristensen amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The second Kristensen amendment is as follows:
FA648

(Amendments to Standing Committee amendments, AM1138) and 15.

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

**MRS. CROSBY PRESIDING**

Mr. Kristensen moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Preister requested a roll call vote on the second Kristensen amendment.

Voting in the affirmative, 32:

Bohlke Brashear Bromm Brown Bruning

| | | | | |
|---|---|---|---|---|
| Coordsen | Hillman | Matzke | Robinson | Vrtiska |
| Crosby | Hudkins | Pedersen, Dw. | Schellpeper | Wehrbein |
| Cudaback | Jensen | Pederson, D. | Schrock | Wickersham |
| Dierks | Jones | Peterson, C. | Stuhr | Willhoft |
| Elmer | Kiel | Raikes | Tyson | Witek |
| Hilgert | Kristensen | | | |

Voting in the negative, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Lynch | Schimek | Wesely |
| Beutler | Landis | Preister | Thompson | Will |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Engel | Hartnett | Schmitt | Suttle |

Excused and not voting, 3:

| | | |
|---|---|---|
| Janssen | Maurstad | Robak |

The second Kristensen amendment was adopted with 32 ayes, 10 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

## MESSAGE FROM THE GOVERNOR

March 25, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 234, 611, 988, and 1180 were received in my office on March 20, 1998.

These bills were signed by me on March 25, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

## AMENDMENT - Print in Journal

Mrs. Brown filed the following amendment to LB 1063:
AM3889

(Amendments to Final Reading copy)

1. On page 9, line 20, after the period insert "If the director is proposing elimination or modification of an existing schedule of copayments and deductibles, a report on the proposed changes shall be provided to the Governor and the Legislature by December 1. The proposed modification or elimination of the schedule of copayments and deductibles shall not take place prior to the July 1 following this report.".

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 423.** Introduced by Bromm, 23; Robinson, 16.

PURPOSE: Article III, section 5, of the Constitution of Nebraska sets forth a general framework for establishing legislative district boundaries. The drawing of congressional and legislative district boundaries is a difficult but necessary task of the Legislature. The process has historically had little further basis to consider in determining those boundaries.

Various ideas have been introduced as legislation, including those contained in Legislative Bill 607, Ninety-fifth Legislature, First Session, 1997, the purpose of which is to make the redistricting process more scientific and efficient. It is important that the Legislature study this issue in an expeditious manner in order to be as prepared as possible for the next redistricting which must occur in the year 2001. Such study should include, but not be limited to:

(1) An examination of the redistricting process used previously in Nebraska;

(2) An examination of the redistricting process used in other states;

(3) An examination of any problems encountered in past redistricting in Nebraska and what steps were taken to deal with those problems;

(4) The effectiveness of an advisory commission being formed to assist the Legislature in the redistricting process; and

(5) Other relevant issues involved in the process of redistricting of congressional and legislative district boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 424.** Introduced by Dierks, 40; Jones, 43.

PURPOSE: The Nebraska livestock brand law, Chapter 54, article 1, governs the use, application, registration, and inspection of ownership brands on cattle and other livestock. Although the law is comprehensive and widely understood throughout the livestock industry, the existing language is archaic and confusing. It is the intent of this study to review the Nebraska livestock brand law with the input of the Nebraska Brand Committee and other interested parties for purposes of updating, simplifying, and clarifying the law where appropriate and desirable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 425.** Introduced by Dierks, 40; Jones, 43; Vrtiska, 1; Wehrbein, 2.

PURPOSE: Livestock production is the largest industry in the State of Nebraska, contributing over five billion dollars to the state's economy. Policies enhancing income for livestock producers is critical to the long-term viability of the industry.

Traditionally dominated by independent livestock producers who have marketed their livestock through a system involving open markets and competitive bidding, the industry is rapidly changing. A marketing evolution which includes the practice of formula and contract buying of livestock by packers has resulted in market concentration which is a significant element in the decline of small livestock producers. It is the intent of this study to determine what, if any, state legislation can be developed to enforce fair market competition for all livestock producers. Further, it is the intent of this study to determine what influence the State of Nebraska can have on federal regulatory programs including, but not limited to, an increase in the level of regulatory pressure from the United States Department of Agriculture's Grain Inspection, Packers and Stockyard Administration (GIPSA) in enforcing the provisions of the federal Packers and Stockyards Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 426.** Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38.

PURPOSE: To conduct a general review of the Nebraska Workers' Compensation Act, the Commission of Industrial Relations, the unemployment insurance, and other matters within the subject matter jurisdiction of the Business and Labor Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 427.** Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38.

PURPOSE: In recent years, several large damage awards have been processed through the tort claims procedure, the court system, and Legislative review and have been paid by state appropriation. Some of the latest, larger awards have been against the Department of Health and Human Services for neglecting to warn people who are likely to be affected by a state ward's propensity for erratic behavior or violence. A study should be undertaken to determine why the state is incurring these judgments and what might be a proper remedy. This would include the lack of notice by the department to both foster parents and neighbors near the locations of group homes and child caring agencies. It would also include a study of the case law, the total amount of the awards, and limiting the liability of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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.

## SELECT FILE

**LEGISLATIVE BILL 395.** Mr. Preister asked unanimous consent to replace his pending amendment, AM3419, found on page 847, with a

substitute amendment. No objections. So ordered.

Mr. Preister withdrew his amendment, AM3419, found on page 847.

Mr. Preister offered the following substitute amendment:
AM4140

1. In the Standing Committee amendments, AM1138:

a. Insert the following new section:

"Sec. 12. In order to qualify for the protections and immunity under sections 1 to 13 of this act, at least fifteen days before conducting the environmental audit the owner or operator conducting the environmental audit must give written notice by certified mail with return receipt requested of the fact that it is planning to commence the environmental audit to any agencies having regulatory authority. The notice shall specify (1) the facility, operation, or property or portion of the facility, operation, or property to be audited, (2) the date the environmental audit will begin and end, and (3) the general scope of the environmental audit. The notice may provide notification of more than one scheduled environmental audit at a time.".

b. On page 3, line 8, after "audit" insert "for which notification is given as provided under section 12 of this act and which is "; and in line 19 after "environment" insert ", and (e) no protections are given under this section with respect to any information regarding any possible workplace health or safety issues".

c. On page 7, line 12, after "act" insert ", notification has been given as provided under section 12 of this act,".

d. On page 9, line 9, strike "12" and insert "13".

e. Renumber the sections and correct internal references accordingly.

2. In AM3018, on page 1, line 4, strike "and".

Messrs. Coordsen, Schmitt, Wehrbein, and Mrs. Thompson 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 12 ayes, 0 nays, and 37 not voting.

Mr. Preister requested a record vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Chambers | Hartnett | Kiel | Lynch | Schimek |
| Engel | Hilgert | Landis | Preister | Wesely |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Brashear | Jensen | Pedersen, Dw. | Robinson | Tyson |
| Bromm | Jones | Pederson, D. | Schellpeper | Will |
| Bruning | Kristensen | Peterson, C. | Schrock | Willhoft |
| Hudkins | Matzke | Raikes | Stuhr | Witek |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Dierks | Hillman | Vrtiska |
| Beutler | Cudaback | Elmer | Suttle | Wickersham |
| Bohlke | | | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Brown | Janssen | Robak | Thompson | Wehrbein |
| Coordsen | Maurstad | Schmitt | | |

The Preister amendment lost with 10 ayes, 20 nays, 11 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Hilgert withdrew the Hilgert-Janssen amendment, AM3300, found on page 872.

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

Mr. Preister renewed his pending amendment, AM3462, found on page 908.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

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

The Preister amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. Kristensen asked unanimous consent to replace his pending amendment, AM3222, found on page 919, with a substitute amendment. No objections. So ordered.

Mr. Kristensen withdrew his amendment, AM3222, found on page 919.

Messrs. Chambers and Beutler offered the following substitute amendment: AM4150

(Amendments to AM1138)

1. On page 1, line 10; and page 6, line 15, strike "confidentiality".

2. On page 2, strike beginning with "In" in line 10 through "(d)" in line 19; and in line 26 strike "(e)" and insert "(d)".

3. On page 4, strike beginning with the first "may" in line 6 through the second "be" in line 7 and insert "is".

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

The Chambers-Beutler amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Pending.

## 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.

Nebraska Public Employees Retirement Board
Lormong Lo

VOTE: Aye: Senators Crosby, Lynch, C. Peterson, Stuhr, and Wehrbein. Nay: None. Absent: Senator Janssen.

(Signed) Elaine Stuhr, Vice Chairperson

## NOTICE OF COMMITTEE HEARINGS
### Natural Resources Committee

LR 326 Wednesday, April 1, 1998 1:00 p.m.

Wednesday, April 1, 1998 1:00 p.m.
Louis Lamberty - Nebraska Power Review Board
Michael P. Alberts - Nebraska Ethanol Board
John P. Miller - Nebraska Game and Parks Commission

(Signed) Chris Beutler, Chairperson

## AMENDMENT - Print in Journal

Mrs. Robak filed the following amendment to LB 1209:
AM4132

(Amendments to Standing Committee amendments, AM4002)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) The Agricultural Environmental Task

Force is created.

(2) The Governor shall appoint members of the task force from representatives of the cattle industry, the swine industry, and environmental interests. No member shall be a state agency director.

(3) Applications for appointment to the task force shall be submitted to the Governor by July 1, 1998. Appointments to the task force shall be made no later than August 1, 1998.

(4) The task force may gather information from interested parties through public hearings and other appropriate means to assure ample opportunities for outside input to be received for consideration. The task force shall complete its work and issue a final report outlining its findings and recommendations to the Governor and Legislature by December 1, 1998.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.".

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 428.** Introduced by C. Peterson, 35; Bromm, 23.

PURPOSE: The purpose of this interim study is to examine the extent to which those provisions in Chapter 60, articles 3, 4, and 5, are capable of efficient and effective enforcement by the Department of Motor Vehicles and law enforcement agencies, focusing specifically on persons driving without a valid operator's license, without proper registration of their motor vehicles, or without current and effective proof of insurance. The study shall include, but is not limited to:

1. Examining the effectiveness for purposes of enforcement of the following statutes: 60-301, 60-302, 60-484, 60-528, and such other statutes as the committee deems necessary to conduct an exploration of the problem of unlicensed, underinsured, and uninsured drivers and those driving unregistered motor vehicles;

2. Reviewing and analyzing the statutes, rules, and regulations of other states and the federal government for possible further solutions which increase the effectiveness of enforcement and compliance with those sections requiring operator's licenses, motor vehicle registrations, and proof of financial responsibility; and

3. Any other matters necessary or proper for complete examination of this issue.

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

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 429.** Introduced by Nebraska Retirement Systems Committee: Janssen, 15, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to conduct a study of the policy and effects of including the officers of the Nebraska State Patrol within the provisions of the federal social security system. This review shall include, but not be limited to, the process which would be required to include the officers of the Nebraska State Patrol in the Social Security Act, and the effects the inclusion would have upon the adequacy and required funding of benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 430.** Introduced by Nebraska Retirement Systems Committee: Janssen, 15, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to conduct a study of the statutory provisions governing the Nebraska Investment Council as they relate to the investment of the assets of the public employees retirement systems administered by the Public Employees Retirement Board. This study shall include, but not be limited to, a review of the statutory duties placed upon the Nebraska Investment Council and its members and statutory compliance with federal statutes and regulations relating to the investment of retirement funds.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 431.** Introduced by Nebraska Retirement Systems Committee: Janssen, 15, Chairperson; Crosby, 29; Lynch, 13;

C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to authorize a comprehensive study of the benefits provided by the public employees retirement systems administered by the Public Employees Retirement Board. This review shall include, but not be limited to, (1) an examination of the cost, level, and adequacy of the retirement benefits of the retirement systems, (2) an examination of the benefits provided within the defined contribution plans as compared to the defined benefit plans and the possibility of changing such plans or incorporating such plans into a combination plan, (3) an examination of the past and present cost-of-living adjustments in the retirement systems and possible modifications or additions to those adjustments, and (4) a comparison of Nebraska's public employees retirement plans with those of other states.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 432.** Introduced by Nebraska Retirement Systems Committee: Janssen, 15, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

PURPOSE: The purpose of this resolution is to study the provisions of the Uniform Management of Public Employees Retirement Systems Act as approved by the Uniform Law Commissioners, including the provisions of LB 1313 as introduced during the Ninety-fifth Legislature, Second Session. The study shall include, but not be limited to, a review of (1) the interaction between the provisions of the act and current provisions in statute, (2) the liability and responsibilities of members of the Public Employees Retirement Board and the Nebraska Investment Council under the act, (3) the effect upon the current administrative and investment structure of the public employees retirement systems administered by the Public Employees Retirement Board, (4) the effect upon public employee retirement plans established and administered by local political subdivisions, and (5) the experience of other states who have adopted or are considering adopting these proposals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 433.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Landis, 46; C. Peterson, 35; Raikes, 25; Schellpeper, 18; Will, 8.

PURPOSE: The purpose of this study is to examine Nebraska's overall tax system. Recently, the Legislature has been criticized for the overall level of taxation borne by Nebraskans. Various sources rank Nebraska, or Omaha, as compared to other states or cities in those states from as high as tenth to as low as twentieth in overall tax burden. Rankings of the burdens of individual taxes like sales, income, or property show an even broader variety of rankings. This study is to examine Nebraska's sales, income, property, excise, and other taxes as to the burden imposed on taxpayers relative to each other and overall compared to those in other states. The study will seek to determine what level of overall taxation is appropriate and how that burden should be divided among the various tax sources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 434.** Introduced by Bromm, 23.

PURPOSE: To study the provisions of group health insurance covering public employees, all or a portion of the premiums for which is paid by the public entity employer of the insureds. The study shall include, but not be limited to, the following:

(1) Examining the need for and implications of a statutory requirement that insurance carriers who have issued a group health insurance policy covering public employees annually file with the Department of Insurance a financial summary report of the policy which shall include a description of coverages, premium rates, number of employees covered, and total claims paid; and

(2) Examining the need for and implications of a statutory requirement that insurance carriers who have issued a group health insurance policy covering public employees report quarterly to the respective board a financial summary, by coverage, of expenses incurred since the last report.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 435.** Introduced by Brashear, 4.

PURPOSE: The purpose of this resolution is to consider a major tax change plan. Nebraskans have long sought tax relief, particularly from property taxes. Such relief, together with reduction of income and sales tax rates and tax relief that reflects the unique, capital-intensive nature of agricultural production, must be considered to respond to the people's rightful demand for relief. The state's projected revenue surplus for the near term, a possible willingness on the part of some interest groups to consider broadening the tax base, and a perceived need for major capital improvement projects in the state's two largest urban centers presents a rare opportunity to revisit our entire tax structure with the goal of producing a system that is fairer, more progressive, and more balanced and which has lower rates. This interim study will include, but is not limited to, the following:

(1) Enacting a general homestead exemption on the first $12,500 of value of every home;

(2) Adopting a refundable income tax credit for agricultural land of $2,500;

(3) Reducing the state sales tax rate from 5% to 4.5%;

(4) Adopting changes to the income tax bracket factors as contained in LB 1361, Ninety-fifth Legislature, Second Session, 1998;

(5) Expanding the sales tax base to include sales of all services except health care and certain computer and data processing services; and

(6) Deletion of certain exemptions that narrow the sales tax base except the exemptions on food and prescription drugs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 436.** Introduced by Schimek, 27; Bromm, 23.

PURPOSE: To study the policy of deputizing railroad employees. Section 84-106 permits the Superintendent of the Nebraska State Patrol to deputize railroad police. The Federal Railroad Administration rules and regulations,

40 C.F.R. Part 207, authorizes railroad police and grants them powers and duties. This study should include, but not be limited to, an examination of the following areas:

(1) The need for the state to deputize railroad police;

(2) The types of citations that are issued and, if not available, a reporting system to document the categories of citations issued across the state;

(3) The need for rules and regulations governing the actions of the railroad police; and

(4) The efficacy of allowing the duplication of private employees to conduct law enforcement activities rightfully granted to the state and political subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 437.** Introduced by Hillman, 48; Kiel, 9; Bohlke, 33; Suttle, 10.

PURPOSE: The purpose of this resolution is to study, examine, and determine possible statutory authority for clemency in the State of Nebraska for imprisoned battered women, imprisoned juvenile victims of child abuse, and imprisoned juveniles who protected a battered parent who have been convicted of crimes but whose histories indicate their crimes have been committed in response to or after a pattern of domestic violence.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 438.** Introduced by Hillman, 48; Thompson, 14.

PURPOSE: The purpose of this study is to review the Child Care Rules and Regulations, the Health and Human Services policies for day care services, and to study areas to develop a comprehensive child care system which meets the needs of families in Nebraska by encouraging high-quality, affordable, and accessible child care services. Among other issues, this study

should examine and determine:

(1) The criteria for the status of licensed and approved day care centers;

(2) The reimbursement for day care providers who are accredited and those who are nonaccredited;

(3) The equality of reimbursement rates across the state; and

(4) How parents use the materials provided by the Department of Health and Human Services in determining quality child care.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 439.** Introduced by Dierks, 40.

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 identify the impact of agricultural land investment practices by individuals not directly engaged in farming or ranching activity; and

(3) To address problems in the agriculture industry relating to the economic disadvantages of handling and shipping commodities produced with certain characteristics which are specifically grown, stored, marketed, and shipped in smaller quantities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 440.** Introduced by Robak, 22.

PURPOSE: The purpose of this study is to determine the number of behavioral disordered students who do not complete high school in Nebraska and explore alternative educational settings more appropriate to their needs and abilities. The cost of this type of education would be offset by reduced societal costs of incarceration and welfare as these youth often leave school and end up in these programs.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 441.** Introduced by Brashear, 4.

PURPOSE: The procedure for serving and returning summonses, subpoenas, orders, and various other notices are established in statute. Several states and the federal judicial system allow private persons not involved in the matter to serve legal documents. Current statutes authorize a court to appoint private persons to serve such documents in a specific case. Several issues have been raised in past sessions of the Legislature concerning the service of legal documents in the state courts of Nebraska which are not easily resolved and indicate the need for a study into this matter. The study shall include, but not be limited to:

(1) An examination of the potential use of private process servers and the various issues contained in such use; and

(2) Other relevant issues involved in the serving and returning of summonses, subpoenas, orders, and various other notices.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## SELECT FILE

**LEGISLATIVE BILL 395.** Mr. Preister renewed his pending amendment, AM3279, found on page 991.

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

Mr. Preister moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Preister requested a roll call vote on his amendment.

Mr. Kristensen requested the roll call vote be taken in reverse order.

Voting in the affirmative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Kiel | Preister | Thompson |
| Bohlke | Dierks | Landis | Schimek | Wesely |
| Bruning | Engel | Lynch | Schmitt | Wickersham |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Crosby | Jones | Pederson, D. | Schellpeper | Tyson |
| Hillman | Kristensen | Peterson, C. | Schrock | Willhoft |
| Hudkins | Matzke | Raikes | Stuhr | Witek |
| Jensen | | | | |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | Bromm | Hilgert | Suttle | Will |
| Brashear | Elmer | Robak | Vrtiska | |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Brown | Cudaback | Janssen | Pedersen, Dw. | Wehrbein |
| Coordsen | Hartnett | Maurstad | Robinson | |

The Preister amendment lost with 15 ayes, 16 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Lynch withdrew his amendment, AM3564, found on page 991.

Mr. Preister withdrew his amendments, AM3631 and AM3632, found on pages 1020 and 1069.

Mr. Engel withdrew his amendment, AM3468, found on page 1032.

Mr. Hilgert offered the following amendment:
AM4147

1. Insert the following new sections:

"Section 1. Section 48-721, Reissue Revised Statutes of Nebraska, is amended to read:

48-721. The commissioner shall appoint a state boiler inspector who shall work under the direct supervision of the commissioner or his or her designee and devote his or her full time to the duties of the office. The commissioner may appoint deputy inspectors possessing the same qualifications as the state boiler inspector whenever the same may be necessary to carry out the Boiler Inspection Act. Such deputy inspectors shall be subject to and governed by the same rules and regulations applicable to and governing the acts and conduct of the state boiler inspector. The

person so appointed shall (1) be a practical boilermaker, technical engineer, operating engineer, or boiler inspector and hold a commission from the National Board of Boiler and Pressure Vessel Inspectors with an "A" or "B" endorsement or acquire the commission within twelve months of appointment and an "A" or "B" endorsement within eighteen months of appointment, (2) be qualified by not less than ten years' experience in the construction, installation, repair, inspection, or operation of boilers, steam generators, and superheaters, (3) have a knowledge of their operation and use for the generating of steam for power, heating, or other purposes, and (4) neither directly nor indirectly be interested in the manufacture, ownership, or agency of the same. Before entering upon his or her duties under the Boiler Inspection Act, the state boiler inspector and each deputy inspector shall be bonded under the blanket surety bond required by section 11-201.

Sec. 2. Section 48-722, Revised Statutes Supplement, 1997, is amended to read:

48-722. ~~The~~ (1) Except as provided in subsection (2) of this section, the state boiler inspector shall inspect or cause to be inspected at least once every twelve months all boilers required to be inspected by the Boiler Inspection Act to determine whether the boilers are in a safe and satisfactory condition and properly constructed and maintained for the purpose for which the boiler is used, except that (a) hobby boilers, steam farm traction engines, portable and stationary show engines, and portable and stationary show boilers, which are not otherwise exempted from the act pursuant to section 48-726, shall be subject to inspection at least once every twenty-four months and (b) the commissioner may, by rule and regulation, establish inspection periods for pressure vessels of more than twelve months, but not to exceed the inspection period recommended in the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers or the American Petroleum Institute Pressure Vessel Inspection Code API-510 for pressure vessels being used for similar purposes. No boilers required to be inspected by the act shall be operated without valid and current certification pursuant to rules and regulations adopted and promulgated by the commissioner in accordance with the requirements of the Administrative Procedure Act. The owner of any boiler installed after September 2, 1973, shall file a manufacturer's data report covering the construction of such boiler with the state boiler inspector. Such reports shall be used to assist the state boiler inspector in the certification of boilers. No boiler required to be inspected by the Boiler Inspection Act shall be operated at any type of public gathering or show without first being inspected and certified as to its safety by the state boiler inspector. Antique engines with boilers may be brought into the state from other states without inspection, but inspection as provided in this section shall be made and the boiler certified as safe before being operated.

(2) The commissioner may, by rule and regulation, waive the inspection of unfired pressure vessels registered with the State of Nebraska if the commissioner finds that the owner or user of the unfired pressure vessel follows a safety inspection and repair program that is based upon nationally recognized standards.

Sec. 3. Section 48-724, Revised Statutes Supplement, 1996, is amended to read:

48-724. (1) Upon making an inspection of any boilers required to be inspected by the Boiler Inspection Act and upon receipt of the inspection fee and certificate fee or registration fee, the boiler inspector shall give to the owner or user of the boilers a certificate of inspection or certificate of registration upon forms prescribed by the commissioner. The certificate shall be posted in a place near the location of such boiler.

(2) The commissioner shall establish the amount of the inspection fee, ~~and~~ certificate fee, and registration fee by rule or regulation at the level necessary to meet the costs of administering the act.

Sec. 4. Section 48-726, Revised Statutes Supplement, 1997, is amended to read:

48-726. The Boiler Inspection Act shall not apply to (1) boilers of railway locomotives subject to federal inspection, (2) boilers operated and regularly inspected by railway companies operating in interstate commerce, (3) boilers under the jurisdiction and subject to inspection by the United States Government, (4) boilers used exclusively for agricultural purposes, (5) steam heating boilers in single-family residences and apartment houses with four or less units using a pressure of less than fifteen pounds per square inch and having a safety valve set at not higher than fifteen pounds pressure per square inch, (6) heating boilers using water in single-family residences and apartment houses with four or less units using a pressure of less than thirty pounds per square inch and having a safety valve set at not higher than thirty pounds pressure per square inch, (7) fire engine boilers brought into the state for temporary use in times of emergency, (8) boilers of a miniature model locomotive or boat or tractor or stationary engine constructed and maintained as a hobby and not for commercial use and having a diameter of less than ten inches inside diameter and a grate area not in excess of one and one-half square feet and that are properly equipped with a safety valve, (9) hot water supply boilers ~~not having more than~~ if none of the following limitations is exceeded (a) one hundred fifty thousand British thermal units of input, (b) one hundred twenty gallons of nominal capacity, or (c) two hundred ten degrees Fahrenheit output, (10) unfired pressure vessels not exceeding (a) five cubic feet in volume ~~and~~ or (b) a pressure of two hundred fifty pounds per square inch, ~~or (b) one and one-half cubic feet in volume regardless of the amount of pressure used,~~ and (11) unfired pressure vessels owned and maintained by a district or corporation

organized under the provisions of Chapter 70, article 6.

Sec. 5. Section 48-730, Revised Statutes Supplement, 1996, is amended to read:

48-730. Before any boiler required to be inspected by the Boiler Inspection Act is installed, a ten days' written notice of intention to install the boiler shall be given to the commissioner, except that the commissioner may, upon application and good cause shown, waive the ten-day prior notice requirement. The notice shall designate the proposed place of installation, the type and capacity of the boiler, the use to be made of the boiler, the name of the company which manufactured the boiler, and whether the boiler is new or used.

Sec. 6. Section 48-731, Revised Statutes Supplement, 1996, is amended to read:

48-731. (1)(a) The Division of Safety and Labor Standards of the Department of Labor may issue a special inspector commission to an inspector in the employ of a company if the inspector has previously passed the examination prescribed by the National Board of Boiler and Pressure Vessel Inspectors and the company is an insurance company authorized to insure boilers in this state against loss from explosion.

(b) Each insurance company which has been issued a special inspector commission under this section shall submit to the state boiler inspector complete data of each boiler required to be inspected by the Boiler Inspection Act which is insured by such company on forms approved by the commissioner.

~~(2)~~ (c) Insurance companies shall notify the ~~Division of Safety and Labor Standards of the Department of Labor~~ division of new, canceled, or suspended risks relating to insured boilers. Insurance companies shall notify the division of all boilers which the company insures, or any boiler for which insurance has been canceled, not renewed, or suspended within thirty days after such action.

~~(3)~~ (d) Insurance companies shall notify the division of defective boilers. If a special inspector, upon the first inspection of new risk, finds that the boiler or any of the appurtenances are in such condition that the inspector's company refuses insurance, the company shall submit a report of the defects to the state boiler inspector.

~~(4)~~ (2) The inspection required by the act shall not be made if (a) an annual inspection is made under a city ordinance which meets the standards set forth in the act, (b) ~~and~~ a certificate of inspection of the boiler is filed with the commissioner with a certificate fee and, (c) ~~if~~ the inspector for the city making such inspection is required by such ordinance to ~~have qualifications equal to those required of the state boiler inspector as set forth in section 48-721. Upon such showing the commissioner shall waive inspection by the state boiler inspector for the period covered by the certificate issued by the city~~ either

hold a commission from the National Board of Boiler and Pressure Vessel Inspectors commensurate with the type of inspections performed by the inspector for the city or acquire the commission within twelve months after appointment.

~~(5) The division may issue a special inspector commission to an inspector in the employ of a company if the inspector has previously passed the examination prescribed by the National Board of Boiler and Pressure Vessel Inspectors and the company is an insurance company authorized to insure boilers in this state against loss from explosion.~~

(3) The commissioner may, by rule and regulation, provide for the issuance of a special inspector commission to an inspector in the employ of a company using or operating an unfired pressure vessel subject to the act for the limited purpose of inspecting unfired pressure vessels used or operated by such company.

(4) ~~(6)~~ All inspections made by a special inspector shall be performed in accordance with the act, and a complete report of such inspection shall be filed with the division in the time, manner, and form prescribed by the commissioner.

~~(7)~~ (5) The state boiler inspector may, at his or her discretion, inspect any boiler to which a special inspector commission applies.

~~(8)~~ (6) The commissioner may, for cause, suspend or revoke any special inspector commission.

Sec. 7. Section 48-741, Reissue Revised Statutes of Nebraska, is amended to read:

48-741. The members of the board shall ~~meet in January of~~ conduct an annual meeting in July each year, or at such other time as the board determines, and shall elect a chairperson from their members at the annual meeting. Other meetings of the board shall be held when called with at least seven days' notice to all members by the chairperson of the board or pursuant to a call signed by four other members. Four members of the board shall constitute a quorum for the transaction of business.

Sec. 18. Sections 1 to 7 and 18 to 20 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. 19. Original sections 48-721 and 48-741, Reissue Revised Statutes of Nebraska, sections 48-724, 48-730 and 48-731, Revised Statutes Supplement, 1996, and sections 48-722 and 48-726, Revised Statutes Supplement, 1997, are repealed.

Sec. 20. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the reminaing sections and correct internal references accordingly.

The Hilgert amendment was adopted with 27 ayes, 2 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 442.** Introduced by Beutler, 28.

PURPOSE: The purpose of this study is to review progress in the development of management plans, management tools, and the acceptance of local management responsibility on the Niobrara National Scenic River and the Missouri/Niobrara/Verdigre Creek National Recreational River to determine what involvement, if any, the state should have in the management of these rivers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 443.** Introduced by Beutler, 28.

PURPOSE: Nebraska has among the lowest percentage of its area in public lands for wildlife and outdoor recreation in the United States. Concomitantly, the state is in the process of selling nearly a million acres of publicly owned land over the next decade. The purpose of this study is to examine the policies, procedures, and sources of funding for the acquisition of public recreational and wildlife lands within the state. The study may include a review of the requirements for public lands for wildlife habitat, hunting, fishing, and other outdoor recreation and specific geographic, biologic, and topographic land requirements and availability, as well as options for the acquisition of such lands through various resources and in partnership with private entities. This study shall be carried out in conjunction with the Game and Parks Commission and the Board of Educational Lands and Funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 444.** Introduced by Beutler, 28.

PURPOSE: The purpose of this study is to examine fertilizer use and agricultural, ornamental, and specialty pesticide use in Nebraska and determine the amounts applied, impacts on the environment, and contribution of fees on such fertilizers and pesticides towards reducing such impacts. The study shall compare Nebraska's fee structure on fertilizers and pesticides with those of other states and with the needs and concerns of our state and determine if changes are needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 445.** Introduced by Beutler, 28.

PURPOSE: In carrying out the study and development of LB 922, Ninety-fifth Legislature, for the recodification of the Game Law, a number of substantive issues have been identified which require further study for possible revisions. These include a comprehensive review of penalties within the Game Law. The purpose of this study is to examine such issues and determine revisions needed to update the Game Law and harmonize it with other areas of law within the Nebraska statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 446.** Introduced by Beutler, 28.

PURPOSE: To examine and study:

(1) The current impact of ethanol production and use in the State of Nebraska, including, but not limited to, ethanol's environmental, economic, and energy security benefits;

(2) All current means, methods, and strategies of marketing ethanol products in the State of Nebraska and the United States including, but not limited to, a study of the efficacy of such means, methods, and strategies;

(3) The current manner of labeling ethanol products at the pump and the potential impact of alternative labeling methods and requirements in increasing ethanol usage and informing the public of ethanol's benefits; and

(4) The benefits and effectiveness of oxygenated fuel programs in other regions, states, counties, municipalities, and jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 447.** Introduced by Beutler, 28.

PURPOSE: In enforcing the environmental statutes of Nebraska the Department of Environmental Quality must now rely upon the courts to impose penalties on violators. Many other states authorize agencies to levy administrative penalties for such violations. The purpose of this study is to examine the practices of other states using administrative penalties for environmental violations and determine if such an approach is a viable alternative in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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.

## AMENDMENT - Print in Journal

Mr. Matzke filed the following amendment to LB 1129:
AM4123

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new section:

"Section 1. Section 18-412.01, Reissue Revised Statutes of Nebraska, is amended to read:

18-412.01. Whenever any city or village in this state contracts with a public power district or an agency of the United States Government to operate, renew, replace, and add to the electric distribution, transmission, or generation system of the city or village, in the performance of the contract the public

power district ~~shall~~ or the United States Government agrees to comply with the laws relating to bidding for contracts entered into by public power districts or the United States Government, ~~and~~ the city or village shall not be required to advertise for or take bids for such renewals, replacements, or additions.".

2. On page 11, line 6, after "sections" insert "18-412.01,".

3. Renumber the remaining sections accordingly.

## SELECT FILE

**LEGISLATIVE BILL 1073.** Mmes. Suttle and Thompson withdrew their amendment, AM3144, found on page 914 and considered on page 964 and in this day's Journal.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Witek withdrew her amendment, AM3619, found on page 1061.

Mr. Maurstad renewed his pending amendment, AM3720, found on page 1135.

The Maurstad amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Will asked unanimous consent to replace his pending amendment, AM3785, found on page 1138, with a substitute amendment. No objections. So ordered.

Mr. Will withdrew his amendment, AM3785, found on page 1138.

Messrs. Will and Wesely offered the following substitute amendment: AM4128

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 4. Section 20-139, Reissue Revised Statutes of Nebraska, is amended to read:

20-139. The Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143 shall be administered by the Equal Opportunity Commission, except that the State Fire Marshal shall administer the act and sections as they relate to accessibility standards and specifications set forth in sections 81-5,147 to 81-5,149. The county attorneys are granted the authority to enforce such act and sections and shall possess the same powers and duties with respect thereto as the commission. If a complaint is filed with the county attorney, the commission shall be notified. Powers granted to and duties imposed upon the commission pursuant to such act and sections shall be in addition

to the provisions of the Nebraska Fair Employment Practice Act and shall not be construed to amend or restrict those provisions. In carrying out the Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power to:

(1) Seek to eliminate and prevent discrimination in places of public accommodation because of race, color, sex, religion, national origin, familial status as defined in section 20-311, handicap as defined in section 20-313, or ancestry;

(2) Effectuate the purposes of sections 20-132 to 20-143 by conference, conciliation, and persuasion so that persons may be guaranteed their civil rights and goodwill may be fostered;

(3) Formulate policies to effectuate the purposes of sections 20-132 to 20-143 and make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes;

(4) Adopt and promulgate rules and regulations to carry out the powers granted by the Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143, subject to the provisions of the Administrative Procedure Act. The commission shall, not later than one hundred eighty days after September 6, 1991, issue draft rules and regulations to implement subsection (3) of section 20-336, which regulations may incorporate regulations of the Department of Housing and Urban Development as applicable;

(5) Designate one or more members of the commission or a member of the commission staff to conduct investigations of any complaint alleging discrimination because of race, color, sex, religion, national origin, familial status, handicap, or ancestry, attempt to resolve such complaint by conference, conciliation, and persuasion, and conduct such conciliation meetings and conferences as are deemed necessary to resolve a particular complaint, which meetings shall be held in the county in which the complaint arose;

(6) Determine that probable cause exists for crediting the allegations of a complaint;

(7) Determine that a complaint cannot be resolved by conference, conciliation, or persuasion, such determination to be made only at a meeting where a quorum is present;

(8) Dismiss a complaint when it is determined there is not probable cause to credit the allegations;

(9) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require for examination any books or papers relating to any matter under investigation or in question before the commission; and

(10) Issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination because of race, color, sex, religion, national origin, familial status, handicap, or ancestry.

Sec. 5. Section 20-319, Reissue Revised Statutes of

Nebraska, is amended to read:

20-319. (1) Except as exempted by section 20-322, it shall be unlawful to:

(a) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

(i) The buyer or renter;

(ii) Any person associated with the buyer or renter; or

(iii) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available; or

(b) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:

(i) Such person;

(ii) Any person associated with such person; or

(iii) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.

(2) For purposes of this section, discrimination shall include:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use and enjoy a dwelling; and

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such a manner that:

(i) The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;

(ii) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) All premises within the dwellings contain the following features of adaptive design:

(A) An accessible route into and through the dwelling;

(B) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(C) Reinforcements in bathroom walls to allow later

installation of grab bars; and

(D) Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

(3) Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (2)(c)(iii) of this section.

(4)(a) If a political subdivision has incorporated into its laws the design and construction requirements set forth in subdivision (2)(c) of this section, compliance with such laws shall be deemed to satisfy the requirements.

(b) A political subdivision may review and approve ~~newly~~ new constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements are met.

(c) The commission shall encourage but may not require political subdivisions to include in their existing procedures for the review and approval of ~~newly~~ new constructed covered multifamily dwellings determinations as to whether the design and construction of the dwellings are consistent with the design and construction requirements and shall provide technical assistance to political subdivisions and other persons to implement the requirements.

(d) Nothing in this section shall be construed to require the commission to review or approve the plans, designs, or construction of all covered multifamily dwellings to determine whether the design and construction of the dwellings are consistent with the design and construction requirements.

(5)(a) Nothing in subsection (4) of this section shall be construed to affect the authority and responsibility of the commission or a local agency certified pursuant to section 20-332 to receive and process complaints or otherwise engage in enforcement activities under the Nebraska Fair Housing Act.

(b) Determinations by the commission or a political subdivision under subdivision (4)(a) or (b) of this section shall not be conclusive in enforcement proceedings under the act.

(6) For purposes of this section, covered multifamily dwellings shall mean:

(a) Buildings consisting of four or more units if such buildings have one or more elevators; and

(b) Ground floor units in other buildings consisting of four or more units.

(7) Nothing in this section shall be construed to invalidate or limit any law of a political subdivision or other jurisdiction in which this section is effective that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this section.

(8) Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 152. Section 81-5,147, Reissue Revised Statutes of Nebraska, is amended to read:

81-5,147. The State Fire Marshal, with the advice of the Accessibility Advisory Committee, shall adopt and promulgate:

(1) Standards, ~~standards,~~ specifications, and exclusions which are consistent with the most current uniform guidelines and standards set by the federal Americans with Disabilities Act of 1990, as amended, for ~~(1)~~ (a) buildings and facilities which are newly constructed for first occupancy and ~~(2)~~ (b) alterations of existing buildings and facilities used by the public. For purposes of this section, alterations of an existing building or facility used by the public shall include remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangements in the plan or configuration of the height of walls or partitions. Normal maintenance, reroofing, painting, wallpapering, asbestos removal, or changes to mechanical and electrical systems shall not be considered alterations; and

(2) Standards and specifications which are consistent with the most current uniform guidelines and standards set by the federal Fair Housing Act of 1968, as adopted by the State of Nebraska, for new constructed covered multifamily dwellings as defined in section 20-319.

Sec. 153. Section 81-5,148, Reissue Revised Statutes of Nebraska, is amended to read:

81-5,148. The responsibility for enforcement of the standards and specifications adopted pursuant to section 81-5,147 for (1) buildings and facilities which are newly constructed for first occupancy, ~~and~~ (2) alterations of existing buildings and facilities used by the public, and (3) new constructed covered multifamily dwellings as defined in section 20-319 shall lie with the State Fire Marshal or the appropriate officials of the governing bodies of the state government and its political subdivisions responsible for the review and approval of the building plans. Enforcement responsibility includes an appeal process conducted by the enforcing authority for the appeal of any enforcement action or proposed enforcement action. With respect to the enforcement of section 81-5,147 as described in subdivisions (1) and (2) of this section, when ~~When~~ plans are being reviewed for both building code and fire code regulations, the officials responsible for building code review shall be responsible for enforcement of ~~such~~ section 81-5,147. With respect to the enforcement of section 81-5,147 as described in subdivision (3) of this section, when plans are being reviewed for both building code

and fire code regulations, the officials in a city of the metropolitan, primary, or first class shall be responsible for enforcement of section 81-5,147. Officials in a city of the second class or village shall not be responsible for enforcement of section 81-5,147 as described in subdivision (3) of this section if such officials have submitted to the State Fire Marshal a written statement declaring their intent not to assume responsibility for such enforcement. When plans are being reviewed solely for fire code regulations or when the officials responsible for building code review have not submitted such a written statement, the State Fire Marshal or his or her designee shall be responsible for enforcement of ~~such~~ section 81-5,147. No official of any governing body of the state government or its political subdivisions responsible for such enforcement shall approve or authorize an occupancy permit unless such building, facility, or dwelling ~~or facility~~ complies with the standards and specifications prescribed by such section. Any unauthorized departure from the standards and specifications established by the State Fire Marshal pursuant to such section may be corrected by full compliance with such standards and specifications within one hundred ~~twenty~~ eighty days after discovery of such departure. Failure to correct an unauthorized departure from such standards and specifications shall result in denial or revocation of the occupancy permit for the building, facility, or dwelling. ~~or facility.~~

Sec. 154. Section 81-5,149, Reissue Revised Statutes of Nebraska, is amended to read:

81-5,149. (1) For purposes of providing, in an advisory capacity only, technical assistance to the State Fire Marshal (a) to aid in establishing standards and specifications in accordance with the Accessibility Guidelines of the federal Americans with Disabilities Act of 1990, as amended, for (i) buildings and facilities which are newly constructed for first occupancy and (ii) alterations of existing buildings and facilities used by the public, ~~and~~ (b) to aid in establishing standards and specifications in accordance with the federal Fair Housing Act of 1968, as adopted by the State of Nebraska, for new constructed covered multifamily dwellings as defined in section 20-319, and (c) on individual cases of accessibility problems arising under the standards and specifications established pursuant to section 81-5,147, and any other advice the State Fire Marshal deems necessary to carry out his or her duties pursuant to such act or section, there is hereby established the Accessibility Advisory Committee composed of ten members.

(2) The committee shall consist of the following members who shall be skilled and knowledgeable in the area of accessibility standards and functional disability limitations: (a) An architect, (b) the state building administrator or his or her authorized representative, (c) a construction contractor, (d) four persons with a disability in one of each of the following categories: (i)

Vision; (ii) hearing; (iii) cognitive; and (iv) mobility, (e) two persons responsible for local building code enforcement, one from a community of less than fifty thousand inhabitants and one from a community of fifty thousand inhabitants or more, and (f) one person experienced in real property management. The members shall be appointed by the Governor within thirty days after September 9, 1993. The members shall serve for terms of four years, except that of the members first appointed, the architect and two of the persons with a disability shall serve for terms of three years and the other two persons with a disability shall serve for terms of two years. As the term of each member expires, a successor shall be appointed from the same category as the person whose term expired for a term of four years.

Sec. 162. Original sections 20-139, 20-319, and 81-5,147 to 81-5,149, Reissue Revised Statutes of Nebraska, are repealed.".

2. Amend the operative date section so that the sections added by this amendment become operative on October 1, 1998.

3. Renumber the remaining sections and correct internal references accordingly.

**PRESIDENT ROBAK PRESIDING**

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

The Will-Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Wesely renewed his pending amendment, AM3617, found on page 1144.

Mr. Wesely withdrew his amendment.

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

Mrs. Thompson renewed her pending amendment, AM3704, found on page 1166.

The Thompson amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Maurstad withdrew his amendment, AM3934, found on page 1173.

Mr. Landis renewed his pending amendment, AM3834, found on page 1182.

Mmes. Robak and Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

The Landis amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Brown renewed her pending amendment, AM3605, found on page 1187.

The Brown amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Landis asked unanimous consent to replace his pending amendment, AM3939, found on page 1195, with a substitute amendment. No objections. So ordered.

Mr. Landis withdrew his amendment, AM3939, found on page 1195.

Mr. Landis renewed his substitute pending amendment, AM4078, found on page 1339.

The Landis amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 448.** Introduced by Beutler, 28.

PURPOSE: Major funding in the United States and in Nebraska for wildlife and outdoor recreation was provided by the federal government through the Land and Water Conservation Fund. That money has now ceased to be appropriated to the states. The purpose of this study is to examine possible sources of alternative funding to replace this lost federal money for wildlife and outdoor recreational needs.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 449.** Introduced by Dierks, 40; Jones, 43.

PURPOSE: LB 806, Ninety-fifth Legislature, First Session, 1997, removed the independent budget authority for Class I school districts in the State of Nebraska. The purpose of this interim study resolution is to review that

legislation and devise a workable independent budget formula for Class I school districts which will be compatible with their affiliated high school districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 450.** Introduced by Stuhr, 24.

PURPOSE: The purpose of this study is to examine the public benefit and consumer protection issues in establishing standards for food products marketed and labeled using the term "organic" or a derivative of the term "organic", including, but not limited to: (1) Producing and handling of organic agricultural products; (2) labeling of organic products; (3) certification of organic products; (4) accreditation of state and private certifying agents; (5) equivalency of foreign certification programs; and (6) user fees. This study would include an analysis of the federal rules which are currently being drafted to establish a National Organic Program so that a Nebraska organic program might also be established.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 451.** Introduced by Stuhr, 24; Wickersham, 49.

PURPOSE: The purpose of this resolution is to review the operations of and statutory framework for the agricultural and horticultural land valuation boards. These boards were created in 1994 with the purpose of equalizing land valuations of adjoining counties. A study is necessary to examine whether under its current organizational structure and with the existence of the Tax Equalization and Review Commission, these boards can adequately perform their duties and meet the objective for which they were created.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 452.** Introduced by Schellpeper, 18.

PURPOSE: The purpose of this study is to examine how taxes in Nebraska compare to those in neighboring states. This study should include, but need not be limited to: (1) Review of sales tax rates and the sales tax base (with special attention to tax on services); (2) property taxes and designated uses (including land valuation); (3) income tax rates and designated uses; (4) review of how local governments and schools are financed; and (5) any other tax sources, special funding sources, and the relationship of population to the tax base.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 453.** Introduced by Preister, 5.

PURPOSE: The purpose of the study is to investigate the economic impact of net-metering policies in other states including how they are structured and what amount of installed capacity has resulted from these policies, to survey Nebraska's utilities' buy back price, and review the impact of a net-metering policy on renewable energy development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 Wesely, 26; Bromm, 23.

PURPOSE: With the growth of populations and the expansion of municipalities in eastern Nebraska, greater demands will be placed upon

Omaha's Eppley Airfield and Lincoln's Municipal Airport. An international airport located between Lincoln and Omaha could provide easier access to transportation facilities, open new routes of airline travel, and encourage commercial investment to the region.

The purpose of this study is to investigate the utility and feasibility of developing an international airport in eastern Nebraska between Lincoln and Omaha in order to address future changes in the air transportation needs of the region.

The study proposes to:

(1) Review the growth and expansion of municipalities, populations, and commerce in eastern Nebraska to assess the future changes in air transportation needs;

(2) Evaluate the potential of an eastern Nebraska airport facility to meet these developing transportation needs;

(3) Examine the potential for increased commercial investment and economic development to eastern Nebraska that could result from the investment in such a facility; and

(4) Examine the state's role of establishing such a site.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 455.** Introduced by Wesely, 26; Beutler, 28.

PURPOSE: The city of Lincoln, in cooperation with the University of Nebraska-Lincoln and the Lower Platte South Natural Resources District, has begun a study of the Antelope Creek Valley to address the flood hazard and plan for the future development of the creek channel and the surrounding infrastructure of the region.

The purpose of this study is to examine the potential benefits to the State of Nebraska, the University of Nebraska-Lincoln, the Nebraska State Fair Park, and the city of Lincoln which would result from improving the stormwater facilities of Antelope Creek in Lincoln. This study will also evaluate the State of Nebraska's role in participating with the plans for infrastructure development.

This study's review shall include:

(1) An examination of the flood hazard that currently threatens state properties, neighborhoods, and businesses in the region;

(2) The potential that the containment of the floodplain within the creek channel will have for property development and for increases in land use for all affected state municipal, and private properties;

(3) The potential that this expanded use of property will result in an increase of tax revenue to the State of Nebraska and the city of Lincoln;

(4) An evaluation of the state's interest in contributing to the project, and the potential of the state's financial commitment to the project to attract additional funding from other federal and private sources; and

(5) An evaluation of the multi-organizational effort that has been employed to create the Antelope Creek development proposal, which has included a significant degree of community participation, in order to determine whether this model of community planning and development can be a useful example of governmental entity cooperation for other communities in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 Transportation Committee: Bromm, 23, Chairperson; Coordsen, 32; Elmer, 44; C. Peterson, 35; Thompson, 14.

PURPOSE: Intelligent Transportation Systems (ITS) utilize integrated technologies in the areas of communications, information processing, electronics, and related emerging technologies and applies them to transportation systems. Over the past few years, the Federal Highway Administration has encouraged the public and private sector to pursue various ITS projects to improve public safety, mobility, and productivity as well as the more efficient use of energy resources. These projects have implications for both highway and rail systems.

The purpose of this interim study is to provide a vehicle for the Transportation Committee to review the various ITS projects already underway in the State of Nebraska to determine whether legislation is needed to accommodate such present and emerging ITS applications.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 457.** Introduced by Stuhr, 24; Cudaback, 36; Hudkins, 21; Vrtiska, 1; Willhoft, 34; Jones, 43; Bromm, 23; Wickersham, 49.

PURPOSE: The goals of the Tax Equity and Educational Opportunities Support Act are to equalize educational opportunities of students, equalize the tax burden in support of schools, effectuate property tax relief, and broaden the tax base of the support of schools. With the passage of LB 806, Ninety-fifth Legislature, First Session, 1997, it is uncertain whether the goals of the act are being realized for rural schools, rural taxpayers, and communities. The purpose of this interim study resolution is to study the impact of the act on small rural schools, rural taxpayers, and communities to see whether the goals of the act are being met and to study changes to the act to be sure the purposes are realized. The study shall examine:

(1) Whether there are justifiable differences in cost and size comparisons among school systems in the state aid formula;

(2) Whether there are additional factors that need to be included in the state aid formula to truly represent the actual costs of very sparse, sparse, and standard groupings and if the groupings could be combined or further broken down by size;

(3) Whether "capacity to pay" could be included as a factor within the present formula which predominantly measures a system's resources by property wealth, and how this factor could be incorporated into the formula;

(4) How do you define "efficiency" as it applies to the state aid formula? Whether small schools in the standard grouping face disincentives in achieving efficiency due to the structure of the state aid formula; and

(5) 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-FIFTH 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 C. Peterson, 35; Wickersham, 49.

PURPOSE: Homestead exemptions provide property tax relief for qualified claimants who meet certain income and disability criteria. Exemption application forms are currently made available by April 1, and completed applications are accepted through June 30 unless the filing deadline is extended by the county board. Several legislative bills addressing homestead exemption issues were introduced but not adopted during the 1998 legislative session which would have changed the application deadline and expanded the definition of disability for purposes of the exemption.

The interim study includes, but is not limited to, the following:

(1) The need to expand or clarify the definition of disability for veterans and others for purposes of homestead exemption eligibility as proposed by LB 1025 and related amendments;

(2) The timing of exemption applications as related to taxpayer convenience, local and state official workloads, and potential legislative changes;

(3) Recommendations for simplification of the homestead exemption application process;

(4) An examination of homestead exemption procedures in other states; and

(5) Any other matters necessary or proper for the complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 459.** Introduced by Beutler, 28.

PURPOSE: Meeting the requirements of water quality standards under the federal Clean Water Act shall in the near future require an examination of Total Maximum Daily Loads (TMDL) for various pollutants in segments of rivers and streams that are not in compliance. The purpose of this study is to begin to examine this newly enforced requirement and determine how it can best be approached in Nebraska to meet federal law most efficiently and effectively within the context of our state's unique system of natural resource districts.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 460.** Introduced by Beutler, 28.

PURPOSE: There is within Nebraska a continuing concern with the need to balance a viable livestock industry with protection of the environment, especially the waters of the state. The purpose of this study is to review

livestock waste control regulation, the inspection and permitting program, and the resources needed to support such regulation. The study shall examine if statutes and regulations which have been enacted are sufficient to protect the waters of the state and are not overly burdensome on the livestock industry.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 461.** Introduced by Wesely, 26.

PURPOSE: Roadway development supporting municipal transportation can have a significant impact upon economic growth and tax revenue for the state and for municipalities. City planning for roadway construction enables increased traffic and access to municipal neighborhoods and business communities, sparking new commerce and economic development. New roadway construction also causes a reduction of taxable land and has the potential to damage the surrounding environment.

The purpose of this study is to examine the potential impact that the south and east beltways planned by the city of Lincoln will have for the State of Nebraska and the communities affected. Such a study shall also include:

(1) The potential for increased economic activity due to beltway construction through Lincoln and the surrounding communities and the resulting tax benefit to the state and the city of Lincoln;

(2) The amount of taxable land that will be removed from the property tax rolls, the potential negative impact to the environment, and the degree to which these conditions limit roadway construction;

(3) The planned beltway's potential to improve government services and save service costs in the context of the state-imposed property tax limits; and

(4) The degree to which the state should participate with the city of Lincoln's plans for roadway construction and the proposed timeline for construction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 462.** Introduced by Hillman, 48; Jensen, 20.

PURPOSE: The purpose of this study is to examine the Uniform Residential Landlord and Tenant Act. The act has not been updated since 1974 and the act needs to be more responsive to the current times.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 463.** Introduced by Wesely, 26.

PURPOSE: The Commission of Industrial Relations was established to preserve a balance and serve as an arbiter in labor disputes between public employees and their employers. This study will review the Commission of Industrial Relations to evaluate the extent to which these objectives are being met and its effectiveness in its role in settling labor disputes.

The study's review will include, but not be limited to:

(1) An examination of the degree to which autonomy and deference for the commission is required for equitable decisions;

(2) A review of the principles that guide the commission, including the legal context for determining comparable municipalities and employee arrays; and

(3) The degree to which the rules and determinations of the commission helps or hinders the labor dispute process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 464.** Introduced by Brashear, 4.

PURPOSE: (1) The purpose of this resolution is to consider a limitation on spending by the state. Recent trends that give rise to the possible need for such a limitation include (a) increases in the overall level of state spending over the last decade, (b) concern that increased spending has prevented genuine tax relief to our citizens, and (c) apprehension that an uncompetitive

tax burden has contributed to increasing labor shortages that have (i) deterred prospective economic initiatives from coming to Nebraska and (ii) inhibited the natural growth of existing economic activity.

(2) This interim study includes, but is not limited to, the following:

(a) Consideration of a limitation on overall spending by the state;

(b) Consideration of limiting the annual growth of state spending to a percentage based upon population growth and inflation;

(c) Consideration of the use of "automatic" spending reductions or other adverse consequences if limitations on overall spending are not satisfied; and

(d) Consideration of the appropriate form of such a limitation.

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

1. That the Appropriations Committee and Revenue Committee of the Legislature shall be designated to jointly conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 465.** Introduced by Maurstad, 30.

PURPOSE: The purpose of this resolution is to conduct a study on prison privatization. The study shall include, but not be limited to, the following issues:

(1) Whether the state has explored all its options for controlling the growth in the prison population;

(2) Whether privatization is the state's only or best option for constructing new facilities;

(3) What options exist for financing new construction;

(4) The role of the Department of Correctional Services in the process of privatization;

(5) The rights, liabilities, and responsibilities of the state relating to out-of-state prisoners housed in a private correctional facility;

(6) The types of facilities to be privatized;

(7) The quality of services and staffing issues relating to privatization;

(8) Legal issues relating to the delegation of authority and liability;

(9) Prisoners' rights as they relate to privatized facilities;

(10) Protection of the public;

(11) Whether there is adequate competition in the private sector; and

(12) Comparative efficiency and cost.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 466.** Introduced by Schimek, 27; Suttle, 10.

PURPOSE: In the last few years there has been growing concern and attention directed toward women's health issues. Breast cancer, osteoporosis, and heart disease are leading causes of death and disability for women. Historically women have been under-represented in medical studies resulting in less focus and attention being given to the medical needs of women. The majority of women are the primary caregivers in the household. If women's health can be maintained and improved, it should translate into less disruption in families. This study should examine the possibility of establishing a Women's Health Office within the Department of Health and Human Services. The study should include, but not be limited to, the role that such an office should play. Options to consider are:

(1) A medical model, which would develop into a comprehensive preventive health program for women. It could assure that women are appropriately tested for major health risks principally associated with women;

(2) A health education model that would utilize data for planning and then develop social marketing campaigns to address prevention issues for women. Focus would also be given to addressing particular barriers in health care for women;

(3) The policy model that would advise the department, the Governor, and the Legislature on issues that affect women's health; or

(4) The possibility of a combination of any or all three options.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 467.** Introduced by Wesely, 26.

PURPOSE: Eligibility requirements resulting from the Employment First reforms, while attempting to reward employment, in some cases remove individuals from the welfare rolls before they are able to achieve full-time employment at minimum wage. In addition, with the time limits applied for those on public assistance, early employment is disproportionately valued in some cases over job training and skill development which is more time-consuming, but may be more beneficial, in the long term.

This study will review the degree to which welfare reforms hinder individuals from achieving self-sufficiency, including time limitations and

standard-of-need limitations. This study will evaluate the job placement of persons on public assistance to determine if their long-term needs are being addressed in a manner that ensures a more permanent and successful transition to self-sufficiency. In addition, this study will examine the methods to encourage savings and job training and other skill development programs to evaluate the opportunities that those on public assistance have to develop their human capital.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 468.** Introduced by Wesely, 26.

PURPOSE: This study recognizes that a large number of Nebraska families and individuals continue to live in poverty, which creates a loss of human resources, is an assault on human dignity, and is a drain on social and fiscal resources of the state. Such families and individuals receive public assistance from programs which focus on income and consumption and are not always successful in promoting and supporting the transition to economic self-sufficiency.

This interim study proposal would review the "asset poor" and those on public assistance in Nebraska. It would also examine the need to complement Nebraska's income-based welfare policy with an asset-based welfare policy.

When conducting the study, the committee shall include:

(1) An examination of the impediments that prevent low-income individuals from saving, acquiring productive assets, and achieving self-sufficiency;

(2) An evaluation of the social, civic, psychological, and economic effects of providing to individuals and families an incentive to accumulate assets by saving a portion of earned income;

(3) An examination of the potential for asset incentive programs to enable persons to acquire access to education and job training, encourage homeownership, and promote microenterprise development;

(4) An evaluation of the federal and state asset development policies that currently exist for the non-asset-poor segments of the Nebraska population and the need for extending these policies and incentives to establish an asset development policy for low-income individuals; and

(5) A review of the use of an individual development account program or a similar asset development policy in conjunction with current state public assistance programs to promote self-sufficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 469.** Introduced by Bromm, 23.

PURPOSE: LB 986 was introduced in the 1998 session of the Legislature and related to isolated land, amending section 39-1716. The Board of Educational Lands and Funds is offering real estate for sale in response to requirements contained in LB 1205, Ninety-fourth Legislature, Second Session, 1996. Without access to such land, the land is much less valuable to any potential bidder other than the surrounding land owner. This lack of competitive bidding impacts the amount for which the land will be sold. LB 986 would change provisions relating to obtaining access to isolated land. However, the bill did not examine the provisions of Chapter 39, articles 14 to 16 and articles 18 to 21, to determine the fiscal costs to counties with respect to the changes made in Chapter 39, article 17, by LB 986. This study shall:

1. Study the difficulties regarding the sale of isolated land by the State of Nebraska, specifically the Board of Educational lands and Funds, in the context of isolated lands and the solutions to such problems with respect to legislation; and

2. Specifically examine the provisions of LB 986 in the general context of Chapter 39, Reissue Revised Statutes of Nebraska, and address the need for possible legislation in order for the board to more effectively be able to offer isolated land at public auction without undue fiscal costs for the counties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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.

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1154A.** Introduced by Stuhr, 24; Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1154, Ninety-fifth Legislature, Second Session, 1998.

**LEGISLATIVE BILL 1162A.** 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 1162, Ninety-fifth Legislature, Second Session, 1998.

## SELECT FILE

**LEGISLATIVE BILL 1073.** Mrs. Hillman renewed her pending amendment, AM3975, found on page 1257.

The Hillman amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Will withdrew his amendment, AM4062, found on page 1333.

Mr. Jensen withdrew his amendment, AM3868, found on page 1339.

Mr. Elmer offered the following amendment:
AM4153

(Amendments to E & R amendments, AM7219)

1. Insert the following new section:

"Sec. 153. Section 81-15,113.01, Revised Statutes Supplement, 1997, is amended to read:

81-15,113.01. (1) There is hereby created the Community Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through ~~1997~~ 1998 remit to the department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any

money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or proposed to be located to be distributed to each political subdivision which levied property taxes on the property where the facility is located or proposed to be located. The money shall be distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Property Tax Administrator pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.".

2. On page 202, line 24, after "71-5184," insert "81-15,113.01,".

3. Renumber the remaining sections and correct internal references accordingly.

The Elmer amendment was adopted with 26 ayes, 0 nays, 16 present and not

voting, and 7 excused and not voting.

Mrs. Thompson offered the following amendment:
AM4141

(Amendments to E & R amendments, AM7219)

1. Insert the following sections:

"Sec. 156. The Governor shall commission a study of the state's juvenile justice system for the purposes of determining future legislative and executive actions necessary to address gaps in the organization and delivery of juvenile services. The study shall:

(1) Assess the progress of current juvenile services initiatives and their impact on improving service delivery;

(2) Develop a current detailed description of the number, characteristics, and needs of juvenile offenders and at-risk youth;

(3) Inventory current placement and service resources, including resources for drug treatment, treatment of sexual offenders, and secure confinement of serious offenders, and make recommendations in regard to needed expansion of service capacity;

(4) Examine current statutes and make recommendations in regard to update and streamlining of laws pertaining to adjudication and disposition of juvenile offenders;

(5) Review promising programs and recommend strategies for implementing community-based diversion and early intervention programs designed to minimize depth and duration of juvenile offenders' penetration into the juvenile justice system;

(6) Review and make recommendations concerning the codification of a graduated sanctions approach in intervening with juvenile offenders; and

(7) Explore opportunities to eliminate fragmentation within the juvenile justice system and recommend strategies to move toward a unified system of care for juvenile offenders and their families.

Sec. 157. The Governor shall assign the study to a task force consisting of the Commissioner of Education, the superintendent of the Nebraska Correctional Youth Facility, the director of the Governor's Policy Research Office, the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, the probation administrator of the Office of Probation Administration, and the administrators of the Department of Health and Human Services Protection and Safety Division. The Governor shall also appoint six additional persons from the private and public sectors representing key juvenile justice system stakeholders, county officials, juvenile advocacy groups, service providers, and consumers to serve on the committee. The Governor shall also appoint two members of the Legislature. The appointments to the task force shall be made no later than May 15, 1998. The Governor shall appoint the chairperson of the task force from the membership.

Sec. 158. The task force may gather information from interested parties through public hearings and other appropriate means to assure ample opportunities for outside input to be received for consideration. The task force shall complete its work and issue a final report outlining its findings and recommendations to the Governor and Legislature by December 1, 1998. The Department of Health and Human Services will provide administrative support to the task force and shall be responsible for production and distribution of the final report. Members shall be reimbursed for their actual and necessary expenses incurred while serving as a member of the task force as provided in sections 81-1174 to 81-1177.

Sec. 159. It is the intent of the Legislature that any money appropriated by the Legislature for this study shall be appropriated to the Department of Health and Human Services.".

2. Correct the operative date section so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

The Thompson amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

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

Mrs. Suttle offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3693.)

The Suttle amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Dierks offered the following amendment:
AM4157

(Amendments to E & R amendments, AM7219)

1. Insert the following sections:

"Sec. 153. The State of Nebraska hereby withdraws from the Central Interstate Radioactive Waste Compact, if, prior to May 1, 2008, any contracts are let for construction of the low-level radioactive waste facility or any construction or site improvement in preparation of construction is begun at the facility. If such conditions for withdrawal are met, (1) the Governor shall notify the governors of the other compact states that the withdrawal is effective, and (2) section 71-3521 shall be repealed.

Sec. 154. Section 81-1578, Revised Statutes Supplement, 1996, is amended to read:

81-1578. Sections 81-1578 to 81-15,116 and section 153 of this act shall be known and may be cited as the Low-Level

Radioactive Waste Disposal Act.

Sec. 155. Section 81-1579, Reissue Revised Statutes of Nebraska, is amended to read:

81-1579. (1) The Legislature hereby declares that it is the policy of the State of Nebraska, in furtherance of its responsibility to cooperate and coordinate with the Central Interstate Low-Level Radioactive Waste Compact Commission and to protect the health, safety, and welfare of its citizens and the environment:

(a) To provide for the availability of capacity either within or outside the state for the commercial disposal of low-level radioactive waste generated within the state at commercial low-level radioactive waste disposal facilities as designated by the Central Interstate Low-Level Radioactive Waste Compact Commission, except for waste generated as a result of defense or federal research and development activities; and

(b) ~~To recognize that low-level radioactive waste can be most safely and efficiently managed on a regional basis; and~~

~~(c)~~ To institute and maintain a regulatory program for commercial disposal of low-level radioactive waste. ~~at such facilities.~~

(2) It is also the policy of the State of Nebraska that the cost of disposal of low-level radioactive waste be borne by the generators of such waste. In furtherance of such policy, the state shall not be liable for any financial subsidy of the construction and maintenance of a low-level radioactive waste disposal facility.

(3) The Legislature hereby finds that it is the policy of the state that a facility for the disposal of low-level radioactive waste, if ~~shall be~~ established, shall be at a location that best protects the health and safety of its citizens and the environment. In selecting such location, the developer shall emphasize geologic, topographic, demographic, hydrologic, and other technical factors that contribute to such protection and shall construct, operate, and maintain such facility in a manner consistent with state and federal requirements.

It is the intent of the Legislature that potential host communities be actively and voluntarily involved in the siting process. To the extent possible, consistent with the highest level of protection for the health and safety of the citizens of the state and protection of the environment, the developer shall make every effort to locate the facility where community support is evident.".

2. Amend the operative date and repealer sections so that the sections added by this amendment become effective three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Elmer requested a ruling of the Chair on whether the Dierks amendment is germane to the bill.

The Chair ruled the Dierks amendment is germane to the bill.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

**MR. COORDSEN PRESIDING**

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

**PRESIDENT ROBAK PRESIDING**

Messrs. Engel, Willhoft, and Mrs. Thompson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Dierks moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Schimek | Stuhr | Wesely |
| Bruning | Landis | Schmitt | Suttle | Wickersham |
| Coordsen | Schellpeper | Schrock | Vrtiska | Will |
| Cudaback | | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Jensen | Lynch | Raikes |
| Brashear | Hilgert | Kiel | Matzke | Tyson |
| Bromm | Hillman | Kristensen | Pederson, D. | Wehrbein |
| Brown | Hudkins | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Maurstad | Witek |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Pedersen, Dw. | Robak | Thompson |
| Crosby | Janssen | Peterson, C. | Robinson | Willhoft |
| Engel | Jones | Preister | | |

The Dierks amendment lost with 16 ayes, 17 nays, 3 present and not voting, and 13 excused and not voting.

Mr. Chambers moved to reconsider the vote on the Dierks amendment.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers withdrew his motion to reconsider.

Pending.

**MOTION - Adjournment**

Mr. Dierks moved to adjourn until 9:00 a.m., Thursday, March 26, 1998.

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Chambers requested a roll call vote on the Dierks motion to adjourn.

Voting in the affirmative, 3:

| | | |
|---|---|---|
| Beutler | Dierks | Witek |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Kiel | Maurstad | Stuhr |
| Bromm | Hillman | Kristensen | Pederson, D. | Suttle |
| Bruning | Hudkins | Landis | Raikes | Tyson |
| Coordsen | Jensen | Lynch | Schimek | Wehrbein |
| Cudaback | Jones | Matzke | Schrock | Wesely |

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Brashear | Chambers | Schellpeper | Vrtiska | Will |
| Brown | Hilgert | Schmitt | Wickersham | |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Peterson, C. | Robak | Thompson |
| Crosby | Janssen | Preister | Robinson | Willhoft |
| Engel | Pedersen, Dw. | | | |

The Dierks motion to adjourn failed with 3 ayes, 25 nays, 9 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

## AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 1142:
AM4070

1. Strike the original sections and insert the following new sections:

"Section 1. (1) By September 30, 1999, and each September 30 thereafter, each county assessor shall provide an assessment plan and current year budget to the Property Tax Administrator. The plan shall include specific detail on the processes that the county assessor will implement for the next assessment year for (a) the accurate capturing and listing of assessment information, (b) the correlation of the assessed valuations of all real property in the county, and (c) the dissemination of information to the public regarding the actions taken by the county assessor. The plan shall also describe the processes that the county assessor will implement over the next three years to keep the assessment and valuation information current and accurate.

(2) If a county assessor fails to provide a plan or the plan provided fails to meet the requirements of this section, the Property Tax Administrator shall investigate the assessment practices of the county and take any actions necessary to secure compliance with this section pursuant to section 77-1330.

(3) The Property Tax Administrator shall monitor the implementation of the plan by the county assessor.

(4) The Property Tax Administrator shall develop a model plan that meets the requirements of this section. The model plan shall be available upon request of a county assessor by September 1 each year.

Sec. 2. (1) Except as provided in subsection (4) of this section, if the ad valorem property taxes paid by an owner of record of a parcel of real property on the parcel for a property tax year increase by more than eight percent over the property taxes paid on the parcel for the prior property tax year by the same owner, other than the increases specified in subsection (3) of this section, the owner may apply to the county assessor of the county where the parcel is located, or to the Property Tax Administrator if the Property Tax Administrator has assumed the assessment functions and other duties of the county assessor in the county where the parcel is located, for a refund of the amount of the increased property taxes which are in excess of the eight-percent amount. The maximum refund under this section shall be one thousand dollars per parcel, and the maximum refund per taxpayer shall be ten thousand dollars per tax year. The application shall be:

(a) Made on a form prescribed and furnished by the Property Tax Administrator;

(b) Filed with the county assessor or the Property Tax

Administrator within two years after the date the property taxes were due and payable;

(c) Accompanied with proof of payment and documentation showing that the conditions of this section have been met, including that all taxes have been paid on the property; and

(d) Accompanied by a twenty-five-dollar filing fee.

(2) The county assessor shall review applications filed with him or her under this section and recommend approval, approval in part, or denial for each application. The county assessor shall complete the review and forward each application and filing fee to the Property Tax Administrator within thirty days after receipt. The Property Tax Administrator shall review applications filed with, and recommendations forwarded to, him or her under this section and approve, approve in part, or deny each application. If the application is approved in whole or in part, the filing fee shall be refunded to the taxpayer with the refund. The Property Tax Administrator shall notify the applicant at the address on the application of his or her decision. Notification of approval may be included with payment of the refund. The decision of the Property Tax Administrator may be appealed by any affected party in accordance with the Tax Equalization and Review Commission Act.

(3) Property tax increases resulting from the following causes shall be subtracted from the total increase in property taxes before the computations of increases under subsection (1) of this section:

(a) Any increase attributable to an addition of new improvements, a material change to existing improvements, or a change in zoning of the property, which are reflected in the assessed value for the first time in the tax year;

(b) Any increase attributable due to termination or reduction of a homestead exemption pursuant to sections 77-3501 to 77-3529;

(c) Any increase attributable to an addition to the assessment roll or tax roll of omitted property;

(d) Any increase attributable to change in exempt status of the real property pursuant to section 77-202;

(e) Any increase attributable to the payment of interest or penalty assessed by the county;

(f) Any increase attributable to an increase authorized by an override vote by the voters to exceed a levy limit under section 77-3444 or a budget limit under section 13-519 or 79-1029;

(g) Any increase attributable to authorization for bonded debt by a political subdivision or the execution of a lease-purchase contract excepted under section 77-3442;

(h) Any increase due to a reduction in carryover of unused budget authority by a political subdivision for the year for which the taxes are levied;

(i) Any increase due to judgments, except judgments or orders of the Commission of Industrial Relations, obtained against

a political subdivision which require or obligate the political subdivision to pay the judgment to the extent not paid by liability insurance coverage of the political subdivision; and

(j) Any increase due to a change in use of the parcel.

(4) A taxpayer shall not be eligible for any refund for a parcel which, during the prior property tax year, has been subjected to (a) tax district changes, such as annexation, merger, consolidation, or reorganization, (b) loss of special valuation under sections 77-1343 to 77-1348, or (c) subdivision of the property for development.

(5) Refunds for approved applications shall be made from the Property Tax Division Cash Fund. The fund shall be reimbursed for refunds from money appropriated for purposes of section 77-27,136 unless the Property Tax Administrator has assumed the assessment functions and other duties of the county assessor in the county in which the parcel is located. The Property Tax Administrator shall certify the amount of such refunds by county to the Tax Commissioner and State Treasurer. The State Treasurer shall transfer the amount of such refunds to the Property Tax Division Cash Fund from money appropriated for purposes of section 77-27,136. If the Property Tax Administrator has assumed the assessment function for the county where the parcel is located, the Property Tax Division Cash Fund shall be reimbursed from the General Fund. If the amount of refunds in a county exceed the amount due the county under section 77-27,136, the State Treasurer shall make the transfer first from documentary stamp tax proceeds due the county then from insurance premium tax proceeds. Any remaining unreimbursed refunds shall be carried over into the next year and be reimbursed from county funds at that time.

(6) This section applies to ad valorem property taxes on a homestead as defined in section 77-3502 commencing with taxes paid for property tax year 1999 and to ad valorem property taxes paid on any parcel of real property commencing with taxes paid for property tax year 2000.

Sec. 3. Section 77-27,137, Revised Statutes Supplement, 1997, is amended to read:

77-27,137. (1) The appropriation provided for in section 77-27,136 for aid to counties shall be distributed to the various county treasurers of the state.

(2) A tentative distribution shall be determined by dividing seventeen million dollars on the basis of the ratio of the total amount of property taxes levied by the particular county for county purposes to the total amount of property taxes levied by all counties for county purposes based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Property Tax Administrator pursuant to section 77-1613.01.

(3) The tentative distribution to each county computed under subsection (2) of this section shall be reduced by dividing three million five hundred thousand dollars on the basis of the

ratio of the total amount of taxable value of agricultural income-producing machinery and equipment in a particular county to the total amount of taxable value of agricultural income-producing machinery and equipment in all counties based on the amounts certified by the counties to the Property Tax Administrator on the certificate of taxes levied pursuant to section 77-1613.01.

(4) The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Before certifying such amounts, the Tax Commissioner shall reduce the amount to be distributed to a county by refunds made in the county. Each amount shall be distributed in seven as nearly as possible equal monthly payments on the last business day of each month beginning in December. The State Treasurer shall, on the business day preceding the last business day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.

Sec. 4. Original section 77-27,137, Revised Statutes Supplement, 1997, is repealed.".

Ms. Schimek filed the following amendment to LB 1162:
AM4161

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 87. (1) Commencing August 1, 1998, and notwithstanding section 44-3,131, (a) any individual or group sickness and accident insurance policy or subscriber contract delivered, issued for delivery, or renewed in this state and any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and (b) any self-funded employee benefit plan to the extent not preempted by federal law shall include coverage for the equipment, supplies, medication, and outpatient self-management training and patient management, including medical nutrition therapy, for the treatment of insulin-dependent, insulin-using diabetes, gestational diabetes, and non-insulin-using diabetes if prescribed by a health care professional legally authorized by law to prescribe such items.

(2) The equipment, supplies, medication, and patient management for the use of the equipment, supplies, and medication listed in this subsection shall be included in the coverage required by this section: Blood glucose monitors; blood glucose monitors for the legally blind; test strips for glucose monitors; urine testing strips; insulin; injection aids; lancet and lancet

devices; syringes; insulin pumps and all supplies for the pump; insulin infusion devices; oral agents for controlling blood sugars; glucose agents and glucagon kits; insulin measurement and administration aids for the visually impaired; patient management materials that provide essential diabetes self-management information; and podiatric appliances for the prevention of complications associated with diabetes.

(3) The benefits under this section shall be provided for the patient upon the diagnosis of diabetes, when a significant change occurs in the patient's symptoms or condition that necessitates changes in a patient's self-management, or when refresher patient management is necessary. The benefits shall cover home visits when medically necessary and prescribed by a health care professional legally authorized by law to prescribe such items. Patient management may be conducted individually or in a group setting as long as there is medical necessity.

(4) Diabetes self-management training and patient management, including medical nutrition therapy, shall be provided by (a) an American Diabetes Association Recognized Diabetes Self-Management Education Program or (b) a health care professional that is a diabetes educator certified by the National Certification Board for Diabetes Educators and who complies with the American Association of Diabetes Education Core Curriculum for diabetes education.

(5) Physician-prescribed diabetes self-management training and patient management shall be covered at diagnosis, when symptoms or conditions change, and when new medications or treatments are prescribed. Coverage shall be for (a) a maximum of twenty-four total hours of classroom education per year or (b) six hours per year of individualized education deemed medically necessary by a physician.

(6) This section does not prevent application of deductible or copayment provisions contained in the policy or health benefit plan or require that coverage under an individual or group policy or health benefit plan be extended to any other procedures. Private third-party payors may not reduce or eliminate coverage due to this section.

(7) For purposes of this section, patient management means educational and training services furnished to an individual with diabetes in an outpatient setting by an individual or entity with experience in diabetes, in consultation with the physician who is managing the patient's condition, who certifies that such services are needed under a comprehensive plan of care related to the individual's condition to ensure therapy or compliance or to provide the individual with necessary skills and knowledge, including skills related to the self-administration of injectable drugs which participate in the management of the individual's condition.

(8) Reimbursement for coverage shall be in amounts

reasonably negotiated by the health care professional and the private third-party payor.".

2. Correct the operative date and repealer sections so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections accordingly and correct internal references accordingly.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 470.** Introduced by Wesely, 26.

PURPOSE: This study proposes to examine the intents and purposes of the Child Abuse and Neglect Central Registry. The study shall focus on:

(a) The effectiveness of the registry in stopping child abuse and neglect;

(b) Whether the registry has been effective in stopping the employment of those guilty of abuse and neglect in jobs requiring contact with children;

(c) Requests for expungement from the registry and whether such requests demonstrate a need for changes in the system; and

(d) Whether the systems, such as Missouri's "two-tier" system, would better serve Nebraska.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 471.** Introduced by Beutler, 28.

PURPOSE: Before the creation of the Court of Appeals in 1991, most county court cases were appealed to the district courts and, if necessary and permissible, to the Supreme Court thereafter. In LB 538 (1995), the Legislature attempted to streamline the appeals process by removing the district court appellate jurisdiction for county court cases filed under the Nebraska Probate Code and in both adoption and inheritance tax proceedings. Those cases are now appealed directly to the Court of Appeals.

A layer of certain county court cases still must be appealed to the district courts before proceeding to the Court of Appeals. An interim study should examine this issue and should determine whether the appellate jurisdiction should be entirely removed from the district courts.

Furthermore, the study should consider whether the number of Court of Appeals judges should be increased, particularly in relation to factors such as the possible elimination of district court appellate jurisdiction from the county courts. Other factors to consider shall include, but not be limited to,

the caseloads of the Court of Appeals and the Supreme Court.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 472.** Introduced by Wesely, 26; Matzke, 47; Brashear, 4.

PURPOSE: Since 1994, forty states have filed lawsuits against the large tobacco companies seeking recovery for Medicaid expenses and monetary damages for violations of antitrust, consumer protection, and fraud statutes. Three states have reached settlements with the largest tobacco companies. A fourth went to trial in January. Many others have reached a settlement with the smaller Liggett Tobacco group. Nebraska has not filed suit, counting on a share of the $368 billion settlement being negotiated on the national level. With the national settlement in doubt, Nebraska may not be able to recover monetary damages from the nation's major tobacco distributors. This study proposes to examine whether the State of Nebraska should proceed with litigation against the tobacco industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 473.** Introduced by Bohlke, 33; Wickersham, 49; Beutler, 28; Raikes, 25.

PURPOSE: (1) The purpose of this resolution is to update the study of student aid and other assistance available to students attending Nebraska institutions of postsecondary education as performed by the Education Committee in 1988 (LR 390). In that report, items for study included: (a) An assessment of student aid currently available from all sources, including direct and indirect state assistance, federal assistance, institutional assistance, and private-sector assistance; (b) an estimation of unmet needs for student assistance with a focus on those groups of students with the greatest unmet needs; and (c) a compilation and analysis of alternative mechanisms to provide student assistance, including state tax-exempt savings accounts,

prepaid tuition plans, and other programs being developed by other states, postsecondary institutions, the federal government, and the student assistance lending industry.

(2) In addition to those items for study in LR 390, other items which this study should include are: (a) The debt burdens for students in each of the postsecondary sectors and an analysis of how the debt burden could impact student decisions relating to type and venue of employment; (b) whether other states have programs designed to induce students to stay in the state following completion of postsecondary programs and an analysis of the effectiveness of those programs; (c) the relationship between state support and tuition in Nebraska public institutions and whether tuition levels are appropriate among the public sectors; (d) the relative balance between state-supported merit-based and need-based financial aid programs and whether adjustments or enhancements in those programs are necessary; and (e) any other issues relating to postsecondary education as determined by the Education Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 346.

## SELECT FILE

**LEGISLATIVE BILL 1073.** Mr. Chambers moved to bracket until April 12, 1998.

Mr. Bruning and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely asked unanimous consent to pass over LB 1073. No objections. So ordered.

Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 922.** E & R amendment, AM7231, found on page 1100, was adopted.

Mr. Tyson renewed the Robak-Tyson pending amendment, AM3628, found on page 999.

Pending.

## VISITORS

Visitors to the Chamber were 7 seniors and teachers from Wayne State College; 23 fourth grade students and teacher from Omaha Christian Academy, Omaha; Walt Ficke and Beth Walsch from O'Neill; Senator Schimek's mother, Ib Rebman, Marge Freas, and Claire Brooks from Alma; and former Senator Lowell Johnson from North Bend.

The Doctor of the Day was Hal Pumphrey from Lincoln.

## MOTION - Adjournment

Mr. Will moved to adjourn until 9:00 a.m., Thursday, March 26, 1998.

Mr. Will moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Chambers requested a roll call vote on the Will motion to adjourn.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Kiel | Schimek | Wickersham |
| Bohlke | Engel | Matzke | Suttle | Will |
| Brashear | Jensen | Pederson, D. | Wesely | Witek |
| Coordsen | Jones | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Bromm | Hilgert | Landis | Schmitt | Thompson |
| Chambers | Hillman | Lynch | Schrock | Tyson |
| Cudaback | Hudkins | Raikes | Stuhr | Wehrbein |
| Elmer | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Kristensen | Schellpeper | Vrtiska |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Maurstad | Preister | Robinson |
| Brown | Hartnett | Pedersen, Dw. | Robak | Willhoft |
| Bruning | Janssen | Peterson, C. | | |

The Will motion to adjourn prevailed with 17 ayes, 16 nays, 3 present and not voting, and 13 excused and not voting, and at 8:32 p.m., the Legislature adjourned until 9:00 a.m., Thursday, March 26, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTY-FIRST DAY - MARCH 26, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 26, 1998

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Karin Coulter, of the Baha-I Faith, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Mr. Janssen who was excused; and Messrs. Abboud, Cudaback, Landis, Dw. Pedersen, Tyson, Wehrbein, Will, Mmes. Hillman, Kiel, C. Peterson, Thompson, and Witek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

## RESOLUTIONS

(LR 474 and LR 475 were filed with the Clerk's Office Wednesday night, March 25, 1998, but because of adjournment, were not included in that day's Journal.)

**LEGISLATIVE RESOLUTION 474.** Introduced by Wesely, 26.

PURPOSE: Nebraska's original state nickname was the Tree Planter's State because of the commitment of early Nebraska settlers and citizens to planting trees as woodlots, windbreaks, and orchards. The October 1997 snow and ice storm severely damaged and killed a significant number of trees on public and private lands throughout Nebraska. The Nebraska Forest Service estimated that 10,000 trees on public lands will need to be removed and 87,500 will need significant pruning or repair as a result of the storm.

Because of the cost to repair storm-damaged trees, hazards remain that

endanger public safety and could result in extensive civil liabilities due to hanging limbs and branches. The Federal Emergency Management Agency (FEMA) has provided some funding for severely damaged tree repair and tree removal, and private programs have begun to assist with these efforts. However, the cost of tree damage has exceeded the capability of municipalities to finance the need to address this hazard.

This study shall review:

(1) The extent of the damage that sill remains as a result of the October 1997 snow storm;

(2) The costs for removal, repair, and replanting of severely damaged public trees;

(3) The hazards that endanger the public due to existing tree damage, and the danger of this hazard becoming a civil liability for municipalities and local governments;

(4) The federal, state, and private funds that are available to local governments and municipalities for addressing these needs; and

(5) The possibility of appropriating state funds for tree removal, repair, and replanting, and the potential for state-supported tree recovery and replanting programs to encourage private organizations, local governments, and municipalities to support these needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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 475.** Introduced by Thompson, 14.

PURPOSE: The purpose of this resolution is, with the assistance of the Nebraska Industrial Competitive Alliance (the present governing entity of the School-to-Work Program), to examine future support of the School-to-Work Program in the State of Nebraska. In 1994, Congress passed the School-to-Work Opportunities Act which created the current program. However, federal funding for this program will end in 2001. Nebraska's School-to-Work program currently consists of twenty School-to-Work cooperatives, working with three hundred twenty school districts and more than 8,500 businesses and industries. The interim study would review the twenty school-to-career partnerships covering all ninety-three Nebraska counties. The study would include:

(1) The roles of business/industry, schools, post-secondary institutions, and others;

(2) Integrated academic and vocational curriculum;

(3) Work-site learning experiences available to students, teachers, and others;

(4) Provisions of public information on career preparation opportunities in Nebraska to parents, students, and others;

(5) Recommendations to the Governor and the Legislature pertaining to the roles of community colleges, four-year colleges and universities, and the Departments of Education, Labor, and Economic Development in the career preparation system; and

(6) A two-year statewide plan for continued support of this system with decreasing federal funding.

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

1. That the Business and Labor Committee and the Education 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 their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## AMENDMENT - Print in Journal

Mr. Bruning filed the following amendment to LB 59:
AM4173

1. Insert the following new section:

"Sec. 3. Section 50-1112, Reissue Revised Statutes of Nebraska, is amended to read:

50-1112. That part of Nebraska known as Legislative District No. 11 ~~shall contain~~ which contains that part of Douglas County beginning at the intersection of the Grace Street Outfall and the Missouri River, north along the Missouri River to the Nebraska-Iowa state line, north along the Nebraska-Iowa state line to Locust Street, west on Locust Street to Carter Lake Drive, north on Carter Lake Drive to Ames Avenue, west on Ames Avenue to Florence Boulevard, north on Florence Boulevard to Fort Street, west on Fort Street to 24th Street, north on 24th Street to Kansas Avenue, west on Kansas Avenue to 27th Street, south on 27th Street to Laurel Avenue, west on Laurel Avenue to 29th Street, south on 29th Street to Fort Street, west on Fort Street to 30th Street, south on 30th Street to the Sorenson Expressway, northwest on the Sorenson Expressway to 37th Street, south on 37th Street to Fort Street, west on Fort Street to 48th Street, south on 48th Street to Ames Avenue, west on Ames Avenue to 52nd Street, south on 52nd Street to Pratt Street, east on Pratt Street to 45th Street, south on 45th Street to Military Avenue, southeast on Military Avenue to Hamilton Street, east on Hamilton Street to 33rd Street, south on 33rd Street to Cuming Street, east on Cuming Street to the Missouri Pacific Railroad right-of-way, north along the Missouri Pacific Railroad right-of-way to Nicholas Street, east on Nicholas Street to 11th Street, north on 11th Street to Seward Street, east on

Seward Street to 6th Street, south on 6th Street to Abbott Drive, northeast on Abbott Drive to the Grace Street Outfall, southeast along the Grace Street Outfall to the point of beginning shall be ceded to the State of Iowa.".

2. Correct the repealer section and renumber the remaining sections accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 368.** Read. Considered.

LR 368 was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 309A.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 1161A.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1228A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

## MOTION - Return LB 309 to Select File

Mr. Bromm moved to return LB 309 to Select File for his specific amendment, AM4047, found on page 1290.

The Bromm motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 309.** The Bromm specific amendment, AM4047, found on page 1290, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

## WITHDRAW - Amendment to LB 309

Mrs. Kiel withdrew her amendment, AM3833, found on page 1108, to LB 309.

## GENERAL FILE

**LEGISLATIVE BILL 1219.** Title read. Considered.

**MRS. CROSBY PRESIDING**

The Standing Committee amendment, AM3580, found on page 962, was considered.

Mrs. Bohlke offered the following amendment to the Standing Committee amendment:
AM3780
(Amendments to Standing Committee amendments, AM3580)

1. Insert the following new sections:

"Sec. 11. The affiliation agreements for Class I districts that are affiliated with a Class II or III district that is participating in a unified system shall continue unmodified unless (1) the Class I district reaffiliates pursuant to section 9 of this act or (2) the Class I district's entire valuation is included in the unified system and the Class I district chooses to participate in the unified system by becoming a party to the interlocal agreement pursuant to section 8 of this act. For the purpose of determining the total allowable general fund budget of expenditures minus the special education budget of expenditures pursuant to section 79-1083.03 for Class I districts that are not participating in the unified system, the data for the unified system shall be deemed to be the data for the high school district if the primary high school district is a participant in the unified system.

Sec. 15. 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 14, strike "Class I districts in" and insert "A Class I district of"; in lines 17 and 18 strike "fifty" through "valuation" and insert "which fifty percent or more of the Class I district's valuation is affiliated"; in line 21 strike the third "the" and insert "such"; and in line 24 strike "the" and insert "such" and strike "that" and insert an underscored semicolon.

3. On page 2, strike lines 1 and 2; strike beginning with "that" in line 7 through "I" in line 9 and insert "with which fifty percent or more of the Class I district's valuation is affiliated"; and in line 17 after the semicolon insert "in line 12

after the period insert 'For purposes of section 77-3442, the multiple-district school system shall include all of the Class I, II, and III districts participating in the unified system and the Class I districts or portions thereof affiliated with any of the participating Class II and III districts.'".

Mr. Landis and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

**MR. WICKERSHAM PRESIDING**

Messrs. Tyson, Schmitt, and Mrs. Thompson asked unanimous consent to be excused until they return. No objections. So ordered.

**MRS. CROSBY PRESIDING**

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Lynch moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Schellpeper requested a roll call vote on the Lynch motion to cease debate.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Hillman | Preister | Will |
| Beutler | Cudaback | Kiel | Suttle | Witek |
| Brown | Hilgert | Lynch | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Bohlke | Engel | Maurstad | Robak | Tyson |
| Brashear | Hudkins | Pedersen, Dw. | Robinson | Vrtiska |
| Bromm | Jones | Pederson, D. | Schellpeper | Wickersham |
| Coordsen | Kristensen | Peterson, C. | Schrock | Willhoft |
| Dierks | Matzke | Raikes | Stuhr | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Elmer | Jensen | Wehrbein | Wesely |
| Crosby | Hartnett | | | |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Janssen | Landis | Schimek | Schmitt | Thompson |

The motion to cease debate failed with 13 ayes, 24 nays, 7 present and not

voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 989, 1173, 1229, and 1229A.

### Enrollment and Review Change to LB 989

The following changes, required to be reported for publication in the Journal, have been made:
ER9138

1. In the E & R amendment, AM7218, amendment 3 has been struck.
2. In the Standing Committee amendment, AM3370:

a. On page 14, line 24, "and" has been struck and "or" inserted; and

b. On page 19, line 9, "percentage" has been struck and shown as stricken and "rate" inserted.

3. On page 1, line 4, "79-1026 and 79-1029" has been struck and "77-27,139.03, 79-1007.02, 79-1008.01, 79-1026, 79-1029, and 79-1083.03" inserted; and in line 6 "to provide a duty for the Auditor of Public Accounts; to harmonize provisions;" has been inserted after the semicolon.

### Enrollment and Review Change to LB 1229

The following changes, required to be reported for publication in the Journal, have been made:
ER9139

1. In the Schimek amendment, AM3974, amendment 2 has been struck.
2. In the Bohlke-C. Peterson amendment, AM3936:

a. Section 1 has been renumbered as section 12; and

b. On page 1, line 1, "Strike" has been struck and "In the C. Peterson amendment, AM3620, strike" inserted.

3. In the E & R amendment, AM7223:

a. On page 11, line 9, "8 to 10" has been struck and "9 to 11" inserted; and in line 24 ", 79-214," has been inserted after "9-812"; and

b. On page 12, line 4, ", 79-214," has been inserted after "9-812"; and in line 9 "to change provisions relating to kindergarten entrance age;" has been inserted after the semicolon.

4. In the C. Peterson amendment, AM3620:

a. Sections 12, 13, and 15 have been renumbered as sections 13, 14, and 16, respectively; and

b. On page 1, line 16, the matter beginning with "11" through "15" has been struck and "12, 13, 14, and 16" inserted.

5. On page 6, line 27; page 19, lines 11, 17, and 26; and page 23, line 10, "8 to 10" has been struck and "9 to 11" inserted.

**Enrollment and Review Change to LB 1229A**

The following changes, required to be reported for publication in the Journal, have been made:

ER9140

1. On page 1, line 3, "; and to provide for a reduction of appropriations as prescribed" has been inserted after "1998".

(Signed) Jon C. Bruning, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Schmitt filed the following amendment to LB 1152:

AM4158

1. Strike AM3412 and AM3088.

2. Strike the original sections 1 to 4 and insert the following section:

"Section 1. Construction of any new or expanded livestock confinement facility with a maximum capacity of more than ten thousand swine at any one time is prohibited in any county that has not adopted a permanent comprehensive development plan and zoning regulations. A county board may, after notice and a public hearing, vote to allow construction in the county of a new or expanded livestock confinement facility for more than ten thousand swine by a super-majority vote. Notice of the time and place and reason for the public hearing shall be given by publication in a legal newspaper of general circulation in the county one time at least ten days prior to the hearing. A notice of the proposed subject of the hearing shall be available for inspection during regular business hours at the office of the county clerk at least ten days prior to the hearing.".

3. Renumber the remaining section accordingly.

Mr. Beutler filed the following amendment to LB 1063A:

AM4112

1. Strike original sections 1 to 3 and insert the following new sections:

"Section 1. There is hereby appropriated (1) $274,042 from the General Fund, $153,464 from the Children's Health Insurance Cash Fund, and $668,662 from federal funds for FY1998-99 and (2) $369,043 from the General Fund, $206,664 from the Children's Health Insurance Cash Fund, and $900,465 from federal funds for FY1999-00 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of

Legislative Bill 1063, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $605,015 for FY1998-99 or $941,348 for FY1999-00.

Sec. 2. There is hereby appropriated (1) $177,420 from the General Fund, $99,355 from the Children's Health Insurance Cash Fund, and $432,905 from federal funds for FY1998-99 and (2) $206,211 from the General Fund, $115,478 from the Children's Health Insurance Cash Fund, and $503,154 from federal funds for FY1999-00 to the Department of Health and Human Services Finance and Support, for Program 341, to aid in carrying out the provisions of Legislative Bill 1063, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $32,469 for FY1998-99 or $66,723 for FY1999-00.

Sec. 3. There is hereby appropriated (1) $3,148,757 from the Children's Health Insurance Cash Fund and $8,096,805 from federal funds for FY1998-99 and (2) $4,962,254 from the Children's Health Insurance Cash Fund and $12,760,083 from federal funds for FY1999-00 to the Department of Health and Human Services Finance and Support, for Program 344, to aid in carrying out the provisions of Legislative Bill 1063, Ninety-fifth Legislature, Second Session, 1998.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

## STANDING COMMITTEE REPORT
### Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

State Emergency Response Commission
- Jim Allstot
- Christine J. Bleich
- Steven F. Danon
- Kenneth C. Dechant
- Allen O. Grell
- Fred E. Hlava
- Richard L. Klauz
- Jerry L. McKenzie
- Randy D. Meek
- Ken L. Meyer
- Florian Paskevic

John J. Steinauer

Nebraska State Personnel Board
Rob Coupland

VOTE: Aye: Senators Robinson, Janssen, Cudaback, Schimek, Schmitt, Tyson, and Willhoft. Nay: None. Absent: Senator Vrtiska.

(Signed) C. N. "Bud" Robinson, Chairperson

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 25, 1998, 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

Mueller, William J./Ruth & Mueller Law Firm
Mueller, William J. - Lincoln; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA) (Withdrawn 03/20/1998)
Ruth, Larry L./Ruth & Mueller Law Firm
Ruth, Larry L. - Lincoln; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA) (Withdrawn 03/20/1998)
Skochdopole, Robert A. (Withdrawn 03/20/1998) - Omaha; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA) (Withdrawn 03/20/1998)
Wright, Norman H. - Omaha; Metropolitan Omaha Convention, Sports & Entertainment Authority (MOCSEA)

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1191A.** Introduced by Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1191, Ninety-fifth Legislature, Second Session, 1998.

## NOTICE OF COMMITTEE HEARING
**Executive Board**

Monday, April 6, 1998 8:30 a.m.
Refer Request from the University of Nebraska to fund a project from the Replacement Fund

(Signed) George Coordsen, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 1219.** The Bohlke pending amendment, AM3780, found in this day's Journal, to the Standing Committee amendment, was renewed.

The Bohlke amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Lynch and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Raikes offered the following amendment:
AM4165

1. On page 9, line 4, after the period insert "The interlocal agreement shall provide for a minimum term of two school years.".

2. On page 26, after line 4 insert the following new subsection:

"(8) After the beginning of the fifth year of participating in a unified system the districts which make up the unified system shall either continue as a unified system or consolidate into a single district. The participating districts may not operate as single districts."; and in line 5 strike "(8)" and insert "(9)".

3. In AM3580:

a. On page 2, line 4, strike "seven" and insert "four"; and

b. On page 3, lines 1 and 7, strike "eighth" and insert "fifth".

Mr. Beutler offered the following amendment to the Raikes pending amendment:
FA656

Amend AM4165

On line 8, page 1 strike the words "either continue as a unified system or"

**SPEAKER KRISTENSEN PRESIDING**

Pending.

## AMENDMENTS - Print in Journal

Mr. Dierks filed the following amendment to LB 1219:
AM4143

1. Insert the following new sections:

"Section 1. Section 77-3444, Revised Statutes Supplement, 1997, as amended by section 38, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998, is amended to read:

77-3444. (1) A political subdivision~~, other than a Class I school district,~~ may exceed the limits provided in section 77-3442 or a final levy allocation determination as provided in section 77-3443 by an amount not to exceed a maximum levy approved by a majority of registered voters voting in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits provided in section 77-3442 or a final levy allocation as provided in section 77-3443 must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits or final levy allocation. The governing body of the political subdivision may call for the submission of the issue to the voters (a) by passing a resolution calling for exceeding the limits or final levy allocation by a vote of at least two-thirds of the members of the governing body and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the political subdivision or (b) upon receipt of a petition by the county clerk or election commissioner of every county containing all or part of the political subdivision requesting an election signed by at least five percent of the registered voters residing in the political subdivision. The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in section 77-3442 or the final levy allocation as provided in section 77-3443 and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than five years. Any resolution or petition calling for a special election shall be filed with the county clerk or election commissioner no later than thirty days prior to the date of the election, and the time of publication and providing a copy of the notice of election required in section 32-802 shall be no later than twenty days prior to the election. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. For petitions filed with the county clerk or election commissioner on or after May 1, 1998, the petition shall be in the form as provided in sections 32-628 to 32-631. Any excess levy authority approved under this section shall terminate pursuant to its terms, on a vote of the governing body of the political subdivision to terminate the authority to levy more than the limits, or at the end of the fourth fiscal year following the first year in which the levy exceeded the limit or the final levy allocation, or as provided in subsection (5) of this section, whichever is earliest. A governing body may pass no more than one resolution calling for an election pursuant to this section during any one calendar year. There shall be no limit on the number of

elections held pursuant to this section which are initiated by petition.

(2) The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the following: "Shall (name of political subdivision) be allowed to levy a property tax not to exceed ..... cents per one hundred dollars of taxable valuation in excess of the limits prescribed by law until fiscal year ..... for the purposes of (general operations; building construction, remodeling, or site acquisition; or both general operations and building construction, remodeling, or site acquisition)?". If a majority of the votes cast upon the ballot question are in favor of such tax, the county board shall authorize a tax in excess of the limits in section 77-3442 or the final levy allocation in section 77-3443 but such tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to such tax, the governing body of the political subdivision shall not impose such tax.

(3) The county clerk or election commissioner may set a uniform date for a special election to be held before October 10, 1998, to submit the issue of exceeding the limits provided in section 77-3442 or the final levy allocation as provided in section 77-3443 to the voters of political subdivisions in the county seeking additional levy authority. Any political subdivision may individually or in conjunction with one or more other political subdivisions conduct a special election on a date different from that set by the county clerk or election commissioner, except that a governing body shall pass a resolution calling for a special election for this purpose and deliver a copy of the resolution to the county clerk or election commissioner no later than thirty days prior to the date of the election.

(4) In lieu of the election procedures in subsection (1) of this section, any political subdivision subject to section 77-3443~~, other than a Class I school district,~~ and villages may approve a levy in excess of the limits in section 77-3442 or the final levy allocation provided in section 77-3443 for a period of one year at a meeting of the residents of the political subdivision or village, called after notice is published in a newspaper of general circulation in the political subdivision or village at least twenty days prior to the meeting. At least ten percent of the registered voters residing in the political subdivision or village shall constitute a quorum for purposes of taking action to exceed the limits or final levy allocation. If a majority of the registered voters present at the meeting vote in favor of exceeding the limits or final levy allocation, a copy of the record of that action shall be forwarded to the county board prior to October 10 and the county board shall authorize a levy as approved by the residents for the year.

(5) A political subdivision~~, other than a Class I school~~

~~district,~~ may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective. The governing body of the political subdivision may call for the submission of the issue to the voters (a) by passing a resolution calling for the rescission or modification by a vote of at least two-thirds of the members of the governing body and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the political subdivision or (b) upon receipt of a petition by the county clerk or election commissioner of every county containing all or part of the political subdivision requesting an election signed by at least five percent of the registered voters residing in the political subdivision. The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either such excess levy authority will be rescinded or such excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of such modification shall be stated. The modification shall not have a duration greater than five years. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in section 32-802 shall be no later than twenty days prior to the election. The election shall be held pursuant to the Election Act.

(6) For purposes of this section, when the political subdivision is a sanitary and improvement district, registered voter means a person qualified to vote as provided in section 31-735. Any election conducted under this section for a sanitary and improvement district shall be conducted and counted as provided in sections 31-735 to 31-735.06.

(7) For purposes of this section, when the political subdivision is a school district or a multiple-district school system, registered voter includes both (a) persons qualified to vote for the members of the school board of the school district which is voting to exceed the maximum levy limits pursuant to this section and (b) persons in those portions of any Class I district which are affiliated with or a part of the school district which is voting pursuant to this section, if such voter is also qualified to vote for the school board of the affected Class I school district.

(8) When the political subdivision is a Class I school district, the school board of such district is authorized to set a total general fund budget of expenditures which is less than or equal to the amount certified and approved pursuant to section 79-1083.03 for the Class I district's total allowable general fund

budget of expenditures plus any amount generated due to any excess levy approved pursuant to this section which is levied against the property in the Class I district only.".

2. On page 27, line 1, strike the first "and"; and in line 2 after the second comma insert "and section 77-3444, Revised Statutes Supplement, 1997, as amended by section 38, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998,".

3. Renumber the remaining sections accordingly.

Messrs. Will and Wesely filed the following amendment to LB 512:
AM4163

(Amendments to Final Reading copy)

1. Strike sections 1 to 6 and insert the following sections:

"Section 1. Section 43-284, Revised Statutes Supplement, 1997, is amended to read:

43-284. When any juvenile is adjudged to be under subdivision (3) or (4) of section 43-247, the court may permit such juvenile to remain in his or her own home subject to supervision or may make an order ~~committing the juvenile to (1) the care of some~~ placing the care and custody of the juvenile with (1) a suitable institution, (2) ~~inpatient or outpatient treatment at~~ a mental health facility or mental health program for inpatient or outpatient treatment, (3) ~~the care of some~~ a reputable citizen of good moral character, (4) ~~the care of some~~ an association willing to receive the juvenile embracing in its objects the purpose of caring for or obtaining homes for such juveniles, which association is ~~shall have been~~ accredited as provided in section 43-296, (5) ~~the care of~~ a suitable family, or (6) ~~the care and custody of~~ the Department of Health and Human Services. The care and custody ordered under subdivisions (1), (2), or (4) of this section shall be at an institution, a facility or program, or a home located within the State of Nebraska.

Under subdivision (1), (2), (3), (4), or (5) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, education, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, education, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until suitable provisions may be made for the juvenile without such payment. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund.

The amount to be paid by a county for education pursuant to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed and shall be paid only for education in kindergarten through grade twelve.

The court may enter a dispositional order removing a juvenile from his or her home only upon a written determination that continuation in the home would be contrary to the welfare of such juvenile and that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from his or her home and to make it possible for the juvenile to return.

Sec. 2. Section 43-286, Revised Statutes Supplement, 1996, is amended to read:

43-286. Notwithstanding the provisions of sections 43-251 and 43-253 to 43-257, no juvenile shall be confined in any jail as a disposition of the court. When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247:

(1) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged when the same is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(a) Place the juvenile on probation subject to the supervision of a probation officer;

(b) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer; or

(c) Cause the juvenile to be placed in a suitable family home or ~~institution~~ to be placed in an institution located within the State of Nebraska, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.

Under subdivision (1)(a), (1)(b), or (1)(c) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the juvenile without such payment. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund;

(2) Except as provided in section 43-287, the court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be committed to the Youth Rehabilitation and Treatment Center-Geneva or to the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This

minimum age provision shall not apply if the act in question is murder or manslaughter;

(3) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile as defined by subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications; or

(4) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(a) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(b) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations set forth pursuant to subdivision (4)(a) of this section. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(c) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversary criminal trial;

(d) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with subdivisions (4)(b) and (4)(c) of this section;

(e) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered or, in the case of the juvenile adjudicated to be within the definitions of subdivision (3)(b) of section 43-247, the court, after considering the dispositions available, may in addition commit such juvenile to the Office of Juvenile Services under section 43-287; and

(f) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 3. Section 43-290, Revised Statutes Supplement, 1996, is amended to read:

43-290. It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or subsequent to adjudication, shall be in the nature of a disposition hearing.

At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile, which amount ordered paid shall be the extent of the liability of the parent. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay, and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other sources. Support thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is

placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of the parent. If the parent willfully fails or refuses to pay the sum ordered or to pay over any health care plan benefit sums received, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile. The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

If the juvenile has been committed to the care and custody of the Department of Health and Human Services, the department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's parent.

If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the study or treatment shall be paid, when approved by an order of the court, out of a fund which shall be appropriated by the county in which the petition is filed. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund.

The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 4. Section 43-2,101, Revised Statutes Supplement, 1996, is amended to read:

43-2,101. Unless otherwise ordered by the court pursuant to section 43-290, each county shall bear all the expenses incident to the transportation of each juvenile from such county to the Department of Health and Human Services, together with such fees and costs as are allowed by law in similar cases. The fees, costs, and expenses shall be paid from the county treasury upon itemized vouchers certified by the judge of the juvenile court. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of such expenditures.

Sec. 5. The Governor shall commission a study of the

state's juvenile justice system for the purposes of determining future legislative and executive actions necessary to address gaps in the organization and delivery of juvenile services. The study shall:

(1) Assess the progress of current juvenile services initiatives and their impact on improving service delivery;

(2) Develop a current detailed description of the number, characteristics, and needs of juvenile offenders and at-risk youth;

(3) Inventory current placement and service resources, including resources for drug treatment, treatment of sexual offenders, and secure confinement of serious offenders, and make recommendations in regard to needed expansion of service capacity;

(4) Examine current statutes and make recommendations in regard to update and streamlining of laws pertaining to adjudication and disposition of juvenile offenders;

(5) Review promising programs and recommend strategies for implementing community-based diversion and early intervention programs designed to minimize depth and duration of juvenile offenders' penetration into the juvenile justice system;

(6) Review and make recommendations concerning the codification of a graduated sanctions approach in intervening with juvenile offenders;

(7) Explore opportunities to eliminate fragmentation within the juvenile justice system and recommend strategies to move toward a unified system of care for juvenile offenders and their families; and

(8) Review and assess the financing responsibilities of the counties and the state in the area of juvenile services, including the counties' role in financing services for the prevention of and early intervention with respect to juvenile delinquency and explore the financing options for services provided to adjudicated juveniles, including the exploration of continued cost-sharing responsibilities by counties and the state and the state's possible assumption of all costs associated with adjudicated juveniles.

Sec. 6. The Governor shall assign the study to a task force consisting of the Commissioner of Education, the superintendent of the Nebraska Correctional Youth Facility, the director of the Governor's Policy Research Office, the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, the probation administrator of the Office of Probation Administration, and the administrators of the Department of Health and Human Services Protection and Safety Division. The Governor shall also appoint seven additional persons from the private and public sectors including at least three county officials and persons representing key juvenile justice system stakeholders, juvenile advocacy groups, service providers, and consumers to serve on the committee. The Governor shall also appoint two members of the Legislature. The appointments to the task force shall be made

no later than May 15, 1998. The Governor shall appoint the chairperson of the task force from the membership.

Sec. 7. The task force may gather information from interested parties through public hearings and other appropriate means to assure ample opportunities for outside input to be received for consideration. The task force shall complete its work and issue a final report outlining its findings and recommendations to the Governor and Legislature by December 1, 1998. The Department of Health and Human Services will provide administrative support to the task force and shall be responsible for production and distribution of the final report. Members shall be reimbursed for their actual and necessary expenses incurred while serving as a member of the task force as provided in sections 81-1174 to 81-1177.

Sec. 8. It is the intent of the Legislature that any money appropriated by the Legislature for this study shall be appropriated to the Department of Health and Human Services.

Sec. 9. Sections 1 to 4 and 10 of this act become operative on July 1, 1998. The other sections of this act become operative on their effective date.

Sec. 10. Original sections 43-286, 43-290, and 43-2,101, Revised Statutes Supplement, 1996, and section 43-284, Revised Statutes Supplement, 1997, are repealed.

Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 1, strike "43-284,"; in line 2 after "1996" insert ", and section 43-284, Revised Statutes Supplement, 1997"; and strike lines 4 and 5 and insert "to provide for a study; to create a task force; to provide operative dates; to repeal the original sections; and to declare an emergency.".

## GENERAL FILE

**LEGISLATIVE BILL 1219.** Mr. Beutler withdrew his amendment, FA656, found in this day's Journal.

Mr. Beutler offered the following amendment to the Raikes pending amendment:
FA657
Amend AM4165
On line 8, page 1 strike the words "either continue as a unified system or"
On line 6, page 1, change "fifth" to "seventh"

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

Mr. Jones 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. Beutler moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Mr. Maurstad requested the roll call vote be taken in reverse order.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Kiel | Raikes | Wesely |
| Brown | Hilgert | Landis | Schimek | Will |
| Chambers | Jensen | Preister | | |

Voting in the negative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Matzke | Robinson | Thompson |
| Bohlke | Dierks | Maurstad | Schellpeper | Vrtiska |
| Brashear | Engel | Pedersen, Dw. | Schmitt | Wehrbein |
| Bromm | Hudkins | Pederson, D. | Schrock | Wickersham |
| Bruning | Jones | Peterson, C. | Stuhr | Willhoft |
| Coordsen | Kristensen | Robak | Suttle | Witek |

Present and not voting, 3:

| | | |
|---|---|---|
| Elmer | Hartnett | Hillman |

Excused and not voting, 3:

| | | |
|---|---|---|
| Janssen | Lynch | Tyson |

The Beutler amendment lost with 13 ayes, 30 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Raikes pending amendment, AM4165, found in this day's Journal, was renewed.

Mr. Raikes moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Mr. Dierks requested a roll call vote on the Raikes amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Hillman | Pedersen, Dw. | Thompson |
| Beutler | Crosby | Jensen | Preister | Wesely |
| Brown | Elmer | Kiel | Raikes | Will |
| Bruning | Hilgert | Landis | Suttle | |

Voting in the negative, 22:

| | | | | |
|---|---|---|---|---|
| Bohlke | Dierks | Matzke | Schellpeper | Vrtiska |
| Brashear | Hartnett | Maurstad | Schmitt | Wickersham |
| Bromm | Hudkins | Robak | Schrock | Willhoft |
| Coordsen | Jones | Robinson | Stuhr | Witek |
| Cudaback | Kristensen | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Engel | Pederson, D. | Peterson, C. | Schimek | Wehrbein |

Excused and not voting, 3:

| | | |
|---|---|---|
| Janssen | Lynch | Tyson |

The Raikes amendment lost with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Suttle offered the following amendment:
AM4099
1. On page 25, strike beginning with "discontinues" in line 21 through "and" in line 22.

Mrs. Suttle moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mrs. Suttle requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 12:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Preister | Suttle | Wesely |
| Beutler | Hilgert | Schimek | Thompson | Will |
| Brashear | Kiel | | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Bohlke | Cudaback | Jones | Pedersen, Dw. | Stuhr |
| Bromm | Dierks | Kristensen | Pederson, D. | Vrtiska |
| Bruning | Elmer | Landis | Schellpeper | Wehrbein |
| Coordsen | Engel | Matzke | Schmitt | Wickersham |
| Crosby | Hudkins | Maurstad | Schrock | Willhoft |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Brown | Hillman | Peterson, C. | Robak | Robinson |
| Hartnett | Jensen | Raikes | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Janssen | Lynch | Tyson | Witek |

The Suttle amendment lost with 12 ayes, 25 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Bromm, Wickersham, Raikes, and Mrs. Bohlke offered the following amendment:
AM4182

1. Insert the following new sections:

"Sec. 9. Section 79-1001, Revised Statutes Supplement, 1997, is amended to read:

79-1001. Sections 79-1001 to 79-1033 and section 10 of this act shall be known and may be cited as the Tax Equity and Educational Opportunities Support Act.

Sec. 10. Beginning with school fiscal year 1998-99, if the total levy required for property tax requests for all general fund budgets in a local system exceeds the amount that can be generated by the maximum levy pursuant to subdivision (2)(a) of section 77-3442, the high school district shall be entitled to take the necessary steps to comply with such maximum levy by:

(1) Reducing the property tax request for each district up to the amount by which the district's budgeted general fund cash reserve exceeds fifteen percent of the district's general fund budget of expenditures for the preceding school fiscal year;

(2) If the reductions under subdivision (1) of this section do not reduce the required levy to the maximum levy permitted under subdivision (2)(a) of section 77-3442, reducing the property tax request for each district proportionately based on the amount of the difference between the district's general fund budget of expenditures minus the special education budget of expenditures for the current budget year and a two-year average for the two preceding school fiscal years of the general fund budget of expenditures minus the special education budget of expenditures up to such difference; and

(3) If the reductions under subdivision (1) and (2) of this section do not reduce the required levy to the maximum levy permitted under subdivision (2)(a) of section 77-3442, reducing the property tax request for each district by an amount proportional to the district's share of the total property tax request for the preceding school fiscal year such that the required local system levy shall be the maximum levy allowed under subdivision (2)(a) of section 77-3442.

Sec. 15. Section 79-10,124, Reissue Revised Statutes of Nebraska, is amended to read:

79-10,124. The amount of special tax levied under sections 79-10,122 to 79-10,125 shall not exceed ~~seventeen and five-tenths~~ five cents on each one hundred dollars upon the taxable value of all taxable property in the school district above the amount allowed by law for general school purposes when combined with the tax levied by a Class I district under section 79-10,110, and the total amount voted for the period of years shall not exceed five percent of the taxable valuation of the school district.

For Class I districts, the school board of the primary high school district must approve any use of the special tax levied under sections 79-10,110 and 79-10,122 to 79-10,125.".

2. On page 26, line 28, strike "and 79-858" and insert "79-858, and 79-10,124".

3. On page 27, line 1, after the first comma insert "79-1001,".

4. Renumber the remaining sections accordingly.

Mrs. Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

The Bromm et al. amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1175.** 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 1161.** Placed on Select File as amended.
E & R amendment to LB 1161:
AM7237

1. In the Standing Committee amendments, AM3706:

a. On page 2, line 24, after each comma insert "a"; and in line 25 after the first comma insert "a";

b. On page 6, line 6, strike the comma; and in line 25 after "institutions" insert an underscored comma;

c. On page 8, line 25, reinstate the stricken "on the";

d. On page 48, line 19, strike "means" and insert "shall mean"; and

e. On page 60, line 3, strike "is" and insert "are"; and strike lines 12 through 16 and insert "Sections 2-2428 to 2-2449, Reissue Revised Statutes of Nebraska.".

2. On page 1, strike beginning with "remedial" in line 1 through line 10 and insert "the environment; to amend sections 66-482, 66-686, 66-4,141, 66-4,143, 66-678, 66-680, 66-681, 66-6,113, 66-713, 66-1501, 66-1519, 66-1519.01, 66-1520, 66-1523, 66-1525, 66-1529.01, 66-1529.02, 81-8,297, 81-8,299, 81-8,301, 81-15,121, and 81-15,124, Reissue Revised Statutes of Nebraska, sections 81-15,117, 81-15,119, 81-15,120, 81-15,124.01, 81-15,189, and 81-15,190, Revised Statutes Supplement, 1996, sections 32-608, 66-4,144, 66-718, 66-1518, and 66-1521, Revised Statutes Supplement, 1997; to create a well measuring device cost-sharing program; to adopt the Wellhead Protection Area Act; to provide for weather modification programs; to change motor fuel tax provisions; to change provisions relating to the Petroleum Release Remedial Action Act and the Petroleum Products and Hazardous Substances Storage and Handling Act; to provide powers and duties; to eliminate provisions relating to weather control and a fee; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 2-2428 to 2-2449 and 66-1522, Reissue Revised Statutes of Nebraska; and to declare an emergency.".

**LEGISLATIVE BILL 1028.** 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.)

**LEGISLATIVE BILL 59.** Placed on Select File as amended.
(E & R amendment, AM7239, 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 309A.** Placed on Select File.
**LEGISLATIVE BILL 1161A.** Placed on Select File.
**LEGISLATIVE BILL 1228A.** Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORT
## Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jeffrey L. Orr - Nebraska Commission of Industrial Relations

VOTE: Aye: Senators Abboud, Hilgert, Preister, Schimek, and Schrock. Pass: None. Absent: Senators Chambers and Dierks.

(Signed) Chris Abboud, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Beutler filed the following amendment to LB 922:
AM4111

1. On page 19, line 26, strike "fur-bearing animal" and insert "wildlife".

2. On page 20, strike beginning with the second comma in line 2 through "effect" in line 3.

3. On page 35, strike beginning with "A" in line 6 through "(3)" in line 11 and show the old matter as stricken; and in line 15 strike "(4)", show as stricken, and insert "(3)".

4. On page 40, line 1, after "demand" insert "is".

5. On page 57, line 1, after the period insert "Any person violating this section shall be guilty of a Class II misdemeanor and shall be fined at least forty dollars.".

6. On page 58, strike lines 1 and 2 and show as stricken.

7. On page 59, line 3, after "game" insert "birds"; and in line 5 strike the first "and" and after "turkey" insert ", and mountain sheep".

8. On page 76, line 12; and page 155, line 22, strike "angling", show as stricken, and insert "fishing".

9. On page 82, line 4, strike "same", show as stricken, and insert "fees"; and strike beginning with "in" in line 5 through line 8, show the old matter as stricken, and insert "within a reasonable time after demand by the commission shall be liable to the commission in damages for double the amount of the funds wrongfully withheld. Any person who purposefully fails to remit such fees with the intention of converting them is guilty of theft. The penalty for such violation shall be determined by the amount converted as specified in section 28-518.".

10. On page 89, strike beginning with "person" in line 2 through line 8, show the old matter as stricken, and insert "permit vendor who receives permit fees under sections 144 to 156 of this act and who fails to remit the fees to the commission within a reasonable time after demand by the commission shall be liable to the commission in damages for double the amount of the funds wrongfully withheld. A permit vendor who purposefully fails to remit such fees with the intention of converting them is guilty of theft. The penalty for such violation shall be determined by the amount converted as specified in section 28-518.".

11. On page 116, line 3, strike "fur bearers", show as stricken, and insert "fur-bearing animals".

12. On page 117, line 22, after "person" insert "or persons"; and in line 24 after "tract" insert "or tracts".

13. On page 119, strike beginning with "Any" in line 11 through line 14 and show as stricken.

14. On page 122, line 8, strike "shall", show as stricken, and insert "does"; and strike beginning with "No" in line

10 through the period in line 13, show the old matter as stricken, and insert "No license shall be issued for any game breeding and controlled shooting area established on and after the effective date of this act whose boundary lies within one mile of a game refuge or wildlife management area.".

15. On page 124, line 9, before "officers" insert "conservation".

16. On page 154, line 9, strike the first "or", show as stricken, and insert an underscored comma and after "starling," insert "or common pigeon,".

17. On page 130, line 12, strike "disposed of" and insert "deposited".

18. On page 181, line 24, after "elk" insert "or moose"; and in line 27 after "antelope," insert "bear,".

19. On page 182, line 5, after the second "animal" insert ", other than raccoons,"; in line 9 strike "song or insectivorous bird" and insert "wild bird not otherwise listed in this section"; in line 11 strike "and"; in line 12 after "(h)" insert "Twenty-five dollars for each raccoon;

(i)" and after "fish" insert "; and

(j) Twenty dollars for any other species of game not otherwise listed in this subsection".

20. On page 183, line 18, strike "and"; and in line 21 after "act" insert "; and

(f) Being a habitual offender of the Game Law".

21. On page 184, line 4, strike "or 218"; in line 6 after the semicolon insert "and"; and strike beginning with the semicolon in line 8 through "Law" in line 9.

22. On page 186, line 19, insert an underscored comma after "sheriff" and strike "or commissioner," and show as stricken.

23. On page 187, strike beginning with the comma in line 24 through "its" in line 26, show as stricken, and insert "has in his or her"; and in line 27 strike "he or she", show as stricken, and insert "the officer, employee, or sheriff".

24. On page 207, line 27, strike "game," and show as stricken.

Mr. Beutler filed the following amendment to LB 922:
AM3828

1. Strike original section 378 and insert the following new sections:

"Sec. 378. (1) There is hereby imposed a trail development fee of two dollars on each sale in this state, not including lease or rental, of a bicycle. The fee shall be in addition to the sales and use tax imposed by the Nebraska Revenue Act of 1967 and shall be interpreted, collected, remitted, and enforced by the Tax Commissioner in the same manner as the sales and use tax. Returns shall be filed quarterly, no fees shall be charged for any permits, and no collection fees shall be allowed

any retailer.

(2) The fees collected by the Tax Commissioner pursuant to this section shall be remitted to the State Treasurer for credit to the Trail Development Assistance Fund.

(3) For purposes of this section:

(a) Bicycle means a device propelled solely by human power upon which a person may ride which has two tandem wheels, either of which is more than fourteen inches in diameter; and

(b) The definitions found in sections 77-2702.04 to 77-2702.23 apply.

Sec. 379. Section 37-1503, Revised Statutes Supplement, 1996, is amended to read:

~~37-1503.~~ The Trail Development Assistance Fund is ~~hereby~~ created. The fund shall consist of the proceeds of the fee imposed by section 378 of this act, any direct appropriation by the Legislature, and any funds received as gifts, bequests, or other contributions to such fund from public or private entities. The fund shall be administered by the Game and Parks Commission and shall be used to assist in the purchase, development, and maintenance of recreational trails within the state. 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. Renumber the remaining sections and correct internal references accordingly.

Messrs. Beutler, Jones, Schmitt, and Schrock filed the following amendment to LB 922:

AM4135

1. On page 19, line 26, strike "fur-bearing animal" and insert "wildlife".

2. On page 20, strike beginning with the second comma in line 2 through "effect" in line 3.

3. On page 35, strike beginning with "A" in line 6 through "(3)" in line 11 and show the old matter as stricken; and in line 15 strike "(4)", show as stricken, and insert "(3)".

4. On page 40, line 1, after "demand" insert "is".

5. On page 57, line 1, after the period insert "Any person violating this section shall be guilty of a Class II misdemeanor and shall be fined at least forty dollars.".

6. On page 58, strike lines 1 and 2 and show as stricken.

7. On page 59, line 3, after "game" insert "birds"; and in line 5 strike the first "and" and after "turkey" insert ", and mountain sheep".

8. On page 76, line 12; and page 155, line 22, strike "angling", show as stricken, and insert "fishing".

9. On page 82, line 4, strike "same", show as stricken, and insert "fees"; and strike beginning with "in" in line 5 through

line 8, show the old matter as stricken, and insert "within a reasonable time after demand by the commission shall be liable to the commission in damages for double the amount of the funds wrongfully withheld. Any person who purposefully fails to remit such fees with the intention of converting them is guilty of theft. The penalty for such violation shall be determined by the amount converted as specified in section 28-518.".

10. On page 89, strike beginning with "person" in line 2 through line 8, show the old matter as stricken, and insert "permit vendor who receives permit fees under sections 144 to 156 of this act and who fails to remit the fees to the commission within a reasonable time after demand by the commission shall be liable to the commission in damages for double the amount of the funds wrongfully withheld. A permit vendor who purposefully fails to remit such fees with the intention of converting them is guilty of theft. The penalty for such violation shall be determined by the amount converted as specified in section 28-518.".

11. On page 116, line 3, strike "fur bearers", show as stricken, and insert "fur-bearing animals".

12. On page 117, line 22, after "person" insert "or persons"; and in line 24 after "tract" insert "or tracts".

13. On page 119, strike beginning with "Any" in line 11 through line 14 and show as stricken.

14. On page 122, line 8, strike "shall", show as stricken, and insert "does"; and strike beginning with "No" in line 10 through the period in line 13, show the old matter as stricken, and insert "The commission shall not require distances between boundaries of game breeding and controlled shooting areas to be greater than two miles. No license shall be issued for any game breeding and controlled shooting area established on and after the effective date of this act whose boundary lies within one mile of a game refuge or wildlife management area.".

15. On page 124, line 9, before "officers" insert "conservation".

16. On page 154, line 9, strike the first "or", show as stricken, and insert an underscored comma and after "starling," insert "or common pigeon,".

17. On page 130, line 12, strike "disposed of" and insert "deposited".

18. On page 181, line 24, after "elk" insert "or moose"; and in line 27 after "antelope," insert "bear,".

19. On page 182, line 5, after the second "animal" insert ", other than raccoons,"; in line 9 strike "song or insectivorous bird" and insert "wild bird not otherwise listed in this section"; in line 11 strike "and"; in line 12 after "(h)" insert "Twenty-five dollars for each raccoon;

(i)" and after "fish" insert "; and

(j) Twenty dollars for any other species of game not otherwise listed in this subsection".

20. On page 183, line 18, strike "and"; and in line 21 after "act" insert "; and

(f) Being a habitual offender of the Game Law".

21. On page 184, line 4, strike "or 218"; in line 6 after the semicolon insert "and"; and strike beginning with the semicolon in line 8 through "Law" in line 9.

22. On page 186, line 19, insert an underscored comma after "sheriff" and strike "or commissioner," and show as stricken.

23. On page 187, strike beginning with the comma in line 24 through "its" in line 26, show as stricken, and insert "has in his or her"; and in line 27 strike "he or she", show as stricken, and insert "the officer, employee, or sheriff".

24. On page 207, line 27, strike "game," and show as stricken.

Mr. Chambers filed the following amendment to LB 922:
FA653
P. 98, line 21, after "may", insert "not".

**MOTION - Print in Journal**

Mr. Chambers filed the following motion to LB 922:
Indefinitely postpone

**AMENDMENTS - Print in Journal**

Mrs. Hudkins filed the following amendment to LB 922:
FA655
Amend AM3828
line 5 after bicycle by adding
" , baby stroller, in-line skates, dog licenses, dog leashes, running shoes, aerobic shoes, walking shoes, and any other thing that could conceivably be used on trails."

Messrs. Cudaback, Wickersham, and Beutler filed the following amendment to LB 922:
AM4191

1. Strike original section 395 and insert the following new sections:

"Sec. 394. Section 37-1211, Revised Statutes Supplement, 1996, is amended to read:

37-1211. (1) Except as provided in ~~subsection (2)~~ subsections (2) and (3) of this section and sections 37-1249 and 37-1250, every motorboat on the waters of this state shall be numbered and no person shall operate or give permission for the operation of any vessel on such waters unless the vessel is numbered in accordance with the State Boat Act or in accordance with the laws of another state if the commission has by regulation approved the numbering system of such state and unless the

certificate of number awarded to such vessel is in full force and effect and the identifying number set forth in the certificate of number is displayed and legible on each side of the forward half of the vessel.

(2) The owner of each motorboat may operate or give permission for the operation of such vessel for thirty days from the date the vessel was acquired in anticipation of the vessel being numbered. A duly executed bill of sale, certificate of title, or other satisfactory evidence of the right of possession of the vessel must be available for inspection at all times from the operator of the vessel.

(3) The owner or his or her invitee who operates a personal watercraft on any body of water (a) which is entirely upon privately owned land owned by only one person or one family and, if leased, leased by only one person or one family, (b) which does not connect by any permanent or intermittent inflow or outflow with other water outside such land, and (c) which is not operated on a commercial basis for profit may operate any personal watercraft on such body of water without complying with subsection (1) of this section.

Sec. 396. Section 37-1214, Revised Statutes Supplement, 1997, is amended to read:

37-1214. (1) 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 or, in the case of a nonresident, with any county treasurer on forms approved and provided by the commission. The application shall be signed by the owner of the vessel, shall contain the year manufactured, 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~~ 85 of this act.

(2) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 23-186, the powers and duties of the county treasurer relating to registration under sections 37-1214 to 37-1227 shall be performed by the designated county official.".

2. Renumber the remaining sections, correct the repealer, and correct internal references accordingly.

Mr. Chambers filed the following amendment to LB 59:
AM4193

(Amendments to AM4173)

1. Insert the following new sections:

"Sec. 4. Because the State of Iowa unquestionably will be enriched in many ways and the State of Nebraska impoverished in many ways by virtue of such cession, the State of Iowa is likely to be willing to recompense the State of Nebraska handsomely. Ten percent of any monetary payment made by the State of Iowa to the State of Nebraska shall be paid over by the State of Nebraska to (former) Nebraska State Senator Ernie Chambers whose presence accounts for the eagerness of the State of Iowa to embrace such cession.

Sec. 5. An irrevocable condition to the cession is that such ceded territory, henceforth and forever, shall be called and known by the designation of CHAMBERSBURG and shall be so designated in all official documents of the State of Iowa, including maps of every kind and variety whatsoever. Any violation of this condition by the State of Iowa shall result in such ceded territory reverting to the State of Nebraska. No money or any other thing of value paid or rendered by the State of Iowa to the State of Nebraska shall be refunded to the State of Iowa. In addition, the State of Nebraska shall have a cause of action against the State of Iowa for any damages of any kind whatsoever which may have been suffered by the State of Nebraska. Such action shall be brought in the Supreme Court of Nebraska which shall have original jurisdiction. The State of Iowa shall consent to being sued in the Supreme Court of Nebraska as a condition to the cession of the designated territory.".

Mr. Vrtiska filed the following amendment to LB 1142:
AM4188

(Amendments to AM4070)

1. On page 4, line 19, after the semicolon insert "(j) Any increase attributable to a decision of the Tax Equalization and Review Commission;"; and in line 20 strike "(j)" and insert "(k)".

2. On page 5, line 18, after the period insert "The county treasurer shall collect from all taxing agencies within the county, in the same proportion that the levy of each such taxing agency bears to the total of such levies of all taxing agencies in the county, an amount equal to the amount of refunds in the county under this section.".

Mr. Bruning filed the following amendment to LB 1176A:
AM4168

1. Strike original section 3.

Mr. Dierks filed the following amendment to LB 1073:
FA652

Section 1. The State of Nebraska Hereby Withdraws From The Central Interstate Low-Level Radioactive Waste Compact.

Sec 2. The Following Section Is Outright Repealed: Section 71-3521,

Reissue Revised Statutes Of Nebraska.

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 1073A:
AM4174

1. Insert the following new sections:

"Sec. 7. There is hereby appropriated (1) $11,746 from the State Fire Marshal Cash Fund for FY1998-99 and (2) $10,746 from the State Fire Marshal Cash Fund for FY1999-00 to the State Fire Marshal, for Program 193, to aid in carrying out the provisions of Legislative Bill 1073, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $8,468 for FY1998-99 or $8,468 for FY1999-00.

Sec. 8. There is hereby appropriated $2,745 from the Department of Health and Human Services Regulation and Licensure Cash Fund for FY1998-99 to the Department of Health and Human Services Finance and Support, for Program 177, to aid in carrying out the provisions of Legislative Bill 1073, Ninety-fifth Legislature, Second Session, 1998.

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 $9,200 from the General Fund for FY1998-99 to the Department of Health and Human Services, for Program 250, to aid in carrying out the provisions of Legislative Bill 1073, Ninety-fifth Legislature, Second Session, 1998.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining section accordingly.

Mr. Matzke filed the following amendment to LB 1193:
FA647

delete the word "trust" from
line 4, page 2
line 8, page 2
line 14, page 2
line 18, page 2
line 1, page 3
line 4, page 3
line 28, page 3
line 9, page 4

## MOTION - Print in Journal

Mr. Preister filed the following motion to LB 1073:
Reconsider AM4157

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 1219A.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

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

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 368.

## SELECT FILE

**LEGISLATIVE BILL 632.** E & R amendment, AM7234, found on page 1247, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 504.** Mr. Jensen offered the following amendment: AM3856

1. Insert the following new section:

"Section 1. Section 76-2,120, Reissue Revised Statutes of Nebraska, is amended to read:

76-2,120. (1) For purposes of this section:

(a) Ground lease coupled with improvements shall mean a lease for a parcel of land on which one to four residential dwelling units have been constructed;

(b) Purchaser shall mean a person who acquires, attempts to acquire, or succeeds to an interest in land;

(c) Residential real property shall mean real property on which no fewer than one or more than four dwelling units are located; and

(d) Seller shall mean an owner of real property who sells or attempts to sell, including lease with option to purchase,

residential real property, whether an individual, partnership, limited liability company, corporation, or trust. A sale of a residential dwelling which is subject to a ground lease coupled with improvements shall be a sale of residential real property for purposes of this subdivision.

(2) On and after January 1, 1995, each seller of residential real property located in Nebraska shall provide the purchaser with a written disclosure statement of the real property's condition. The disclosure statement shall be executed by the seller. The requirements of this section shall also apply to a sale of improvements which contain residential real property when the improvements are sold coupled with a ground lease and to any lease with the option to purchase residential real property.

(3) The disclosure statement shall include language at the beginning which states:

(a) That the statement is being completed and delivered in accordance with Nebraska law;

(b) That Nebraska law requires the seller to complete the statement;

(c) The real property's address and legal description;

(d) That the statement is a disclosure of the real property's condition as known by the seller on the date of disclosure;

(e) That the statement is not a warranty of any kind by the seller or any agent representing a principal in the transaction;

(f) That the statement should not be accepted as a substitute for any inspection or warranty that the purchaser may wish to obtain;

(g) That even though the information provided in the statement is not a warranty, the purchaser may rely on the information in deciding whether and on what terms to purchase the real property;

(h) That any agent representing a principal in the transaction may provide a copy of the statement to any other person in connection with any actual or possible sale of the real property; and

(i) That the information provided in the statement is the representation of the seller and not the representation of any agent and that the information is not intended to be part of any contract between the seller and purchaser.

(4) In addition to the requirements of subsection (3) of this section, the disclosure statement shall disclose the condition of the real property and any improvements on the real property, including:

(a) The condition of all appliances that are included in the sale and whether the appliances are in working condition;

(b) The condition of the electrical system;

(c) The condition of the heating and cooling systems;

(d) The condition of the water system;

(e) The condition of the sewer system;

(f) The condition of all improvements on the real property and any defects that materially affect the value of the real property or improvements;

(g) Any hazardous conditions, including substances, materials, and products on the real property which may be an environmental hazard;

(h) Any title conditions which affect the real property, including encroachments, easements, and zoning restrictions; and

(i) The utility connections and whether they are public, private, or community.

(5) The disclosure statement shall be completed to the best of the seller's belief and knowledge as of the date the disclosure statement is completed and signed by the seller. If any information required by the disclosure statement is unknown to the seller, the seller may indicate that fact on the disclosure statement and the seller shall be in compliance with this section.

(6) This section shall not apply to a transfer:

(a) Pursuant to a court order, a foreclosure sale, or a sale by a trustee under a power of sale in a deed of trust;

(b) By a trustee in bankruptcy;

(c) To a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;

(d) By a mortgagee, a beneficiary under a deed of trust, or a seller under a land contract who has acquired the real property at a sale conducted pursuant to a power of sale under a deed of trust, at a sale pursuant to a court-ordered foreclosure, or by a deed in lieu of foreclosure;

(e) By a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust except when the fiduciary is also the occupant or was an occupant of one of the dwelling units being sold;

(f) From one co-owner to one or more other co-owners;

(g) Made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferors;

(h) Between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to such a decree;

(i) Pursuant to a merger, consolidation, sale, or transfer of assets of a corporation pursuant to a plan of merger or consolidation filed with the Secretary of State; ~~or~~

(j) To or from any governmental entity; or

(k) Made of a newly constructed residential real property, which has never been occupied.

(7) The disclosure statement shall be delivered by the seller to the purchaser or the agent of the purchaser on or before the effective date of any contract entered into on or after January

1, 1995, which binds the purchaser to purchase the real property, and the purchaser shall acknowledge in writing receipt of the disclosure statement.

(8) The seller shall not be liable under this section for any error, inaccuracy, or omission of any information in a disclosure statement if the error, inaccuracy, or omission was not within the personal knowledge of the seller.

(9) A person representing a principal in the transaction shall not be liable under this section for any error, inaccuracy, or omission of any information in a disclosure statement unless that person has knowledge of the error, inaccuracy, or omission on the part of the seller.

(10) A transfer of an interest in real property subject to this section may not be invalidated solely because of the failure of any person to comply with this section.

(11) If a conveyance of real property is not made in compliance with this section, the purchaser shall have a cause of action against the seller and may recover the actual damages, court costs, and reasonable attorney's fees. The cause of action created by this section shall be in addition to any other cause of action that the purchaser may have. Any action to recover damages under the cause of action shall be commenced within one year after the purchaser takes possession or the conveyance of the real property, whichever occurs first.

(12) The State Real Estate Commission shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 3, line 22, strike "76-1416" and insert "76-2,120, 76-1416,".

3. Renumber the remaining sections accordingly.

The Jensen amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1126.** Mrs. Stuhr moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM4184 to LB 1126.

The Stuhr motion to suspend the rules prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mmes. C. Peterson, Hillman, and Mr. Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Stuhr offered the following amendment:
AM4184

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 11 of this act shall be known

and may be cited as the Buffer Strip Act.

Sec. 2. The Legislature finds and declares that:

(1) Buffer strips help to reduce the levels of sediment, crop nutrient, pesticides, and other chemicals introduced into surface water resources; and

(2) Both wildlife and people benefit as a result of improved water quality.

Sec. 3. For purposes of the Buffer Strip Act:

(1) Board means the Nebraska Pesticide Board created pursuant to section 4 of this act;

(2) Buffer strip means a strip of vegetation used to intercept or trap field sediment, organics, pesticides, and other potential pollutants before they reach surface water;

(3) Department means the Department of Agriculture;

(4) District means a natural resources district; and

(5) Person means any individual, partnership, firm, corporation, company, society, or association, the state or any department, agency, or subdivision thereof, or any other public or private entity.

Sec. 4. (1) In order to implement the Buffer Strip Act, the Nebraska Pesticide Board is created. It shall be the duty of the board to advise and provide recommendations to the department regarding the administration of the Buffer Strip Act, the use of proceeds from the Buffer Strip Incentive Fund, and the approval or disapproval of the buffer strip plan required in section 5 of this act. The department may ask the board for a review of the existing rules and regulations, administrative procedures, and other components of the Buffer Strip Act. The board shall meet at least once a year.

(2) The Rules and Regulations Advisory Committee created pursuant to section 2-2626 shall appoint members of the Nebraska Pesticide Board. The board shall be composed of, but not limited to, the following members:

(a) Two persons representing the pesticide industry;

(b) Two persons representing agricultural producers;

(c) One person representing the University of Nebraska Institute of Agriculture and Natural Resources;

(d) One person representing environmental interests; and

(e) One person representing municipalities.

(3) The terms of the members of the board shall be three years, except that the terms of the initial members of the board shall be staggered so that one-third of the members are appointed for terms of one year, one-third for terms of two years, and one-third for terms of three years, as determined by the committee. As the terms of the initial members expire, their successors shall be appointed or elected for three-year terms in the same manner as the initial members. Any vacancy shall be filled by appointment in the same manner as the appointment of initial members.

(4) Members of the board shall be reimbursed for their

actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 5. The department shall devise a statewide buffer strip plan with its priority being the improvement of the quality of the domestic and public water supply. Upon the approval of the board, the department shall submit the plan to the Legislature by December 1, 1998.

Sec. 6. The Buffer Strip Incentive Fund is created. Proceeds raised from fees imposed for the registration of pesticides and earmarked for the fund pursuant to section 2-2634, proceeds raised from federal grants earmarked for the fund, and any proceeds raised from public or private donations made to the fund shall be remitted to the State Treasurer for credit to the fund. The fund shall be administered by the department to maintain the buffer strip program and for expenses directly related to the program, including necessary expenses of the department in carrying out its duties and responsibilities under the Buffer Strip Act. The annual cost of administering the buffer strip program shall not exceed ten percent of the total annual proceeds credited to the Buffer Strip Incentive Fund. Such administrative costs shall include funds allocated by the department to the districts for their administrative costs. 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. 7. (1) Any person who desires to create a buffer strip adjacent to surface water on his or her property may submit an application for buffer strip reimbursement to the district. The application shall include the location of the proposed buffer strip and the total number of acres to be included in the proposed buffer strip. If the person will receive any money from any other source for use of the land proposed for the buffer strip, the application shall include the identity of the source or sources, the amount of money to be received, and the length of time the money will be received.

(2) All applications for buffer strip reimbursement under the Buffer Strip Act shall be submitted by a date established by rules and regulations adopted and promulgated pursuant to section 11 of this act.

(3) Upon receipt of an application for buffer strip reimbursement, the district shall review the application for compliance with the requirements set forth in the rules and regulations adopted and promulgated pursuant to section 11 of this act.

(4) If the district determines that the application is not in compliance with the requirements established by the department, the district shall inform the applicant of the deficiencies in the plan and, if feasible, recommend an alternate plan which complies with the rules and regulations of the

department. The applicant may then submit a new application consistent with the recommendation of the district.

(5) If the district determines that the application is in compliance with the standards established by the department, the district shall forward the application to the department. The application shall include a written evaluation of the applicant's compliance with the requirements set forth in rules and regulations adopted and promulgated pursuant to section 11 of this act.

Sec. 8. (1) Upon receipt of the application for buffer strip reimbursement, the department shall review the application for compliance with the rules and regulations adopted and promulgated pursuant to section 11 of this act.

(2) If the department determines that the application is not in compliance with the rules and regulations adopted and promulgated pursuant to section 11 of this act, the department shall inform the district of the deficiencies. The district shall then inform the applicant of the deficiencies and allow the applicant to submit a new application.

(3) The department shall determine which applications are in compliance with the rules and regulations adopted and promulgated under section 11 of this act and shall compile a list of all such applications according to the factors set forth in the rules and regulations. From such prioritized list, and based upon the amount of funds available, the department shall notify the districts which applications are approved. Funds approved by the department for buffer strip reimbursement shall only be for buffer strips created after January 1, 1996. The total amount of funds available for all new and existing agreements shall not exceed the projected available cash balance of the Buffer Strip Incentive Fund for the entire term of the agreements.

Sec. 9. (1) Upon approval of an application by the district and the department, the district shall enter into a contractual agreement with the applicant for the land included in the buffer strip. The agreement shall include a provision that the applicant shall maintain the buffer strip in accordance with the approved plan during the term of the rental agreement. The agreement may also include a provision that the applicant shall not apply specified fertilizers on buffered fields between designated dates. Failure to maintain the buffer strip in accordance with the plan shall be cause for all future payments under the agreement to be forfeited and shall be cause for the recovery by the department of any payments previously made. Upon submission of a copy of the agreement to the department, it shall authorize the State Treasurer to transfer funds to the district from the Buffer Strip Incentive Fund in an amount equal to the total amount of funds due for the agreement in that district that year. Such transfer shall be made as soon as funds are available.

(2) If the applicant does not receive reimbursement from any other source for the land included in the buffer strip, the

district shall pay the applicant annually an amount not to exceed one hundred fifty dollars per acre or fraction thereof included in the buffer strip.

(3) If the applicant receives reimbursement from any other source for the land included in the buffer strip, the district shall pay the applicant annually an amount not to exceed one hundred fifty dollars per acre included in the buffer strip, minus the amount of the other reimbursement.

(4) The actual amount of any payment made to an applicant under subsection (2) or (3) of this section shall be determined by the district using the sliding scale provided in section 11 of this act. Such amount shall be included as part of the application submitted to the department.

(5) Contractual agreements pursuant to this section shall be for a minimum term of five years and a maximum term of ten years.

(6) Following the expiration of any contractual agreement pursuant to this section, the applicant may apply to renew the agreement. Any application for renewal of an agreement shall be made in accordance with sections 7 to 9 of this act and shall be considered with any new applications.

Sec. 10. Each district shall take reasonable steps to ensure that contractual agreements pursuant to section 9 of this act are complied with by the applicant. The department shall adequately reimburse the districts for the costs of such purposes. If the applicant does not comply with the terms of the agreement, the district shall discontinue any payments to the applicant.

Sec. 11. The department shall adopt and promulgate such rules and regulations as are necessary for the enforcement and administration of the Buffer Strip Act. The rules and regulations shall include, but not be limited to, rules and regulations providing for:

(1) Types of vegetation suitable for buffer strips;

(2) Appropriate width of buffer strips;

(3) Types of surface water appropriate for protection by buffer strips;

(4) Soil types and classifications appropriate for protection by buffer strips;

(5) A sliding scale, based on land value and potential environmental benefit, to determine the amount to be paid as payment under the act for the buffer strip;

(6) An index to rank those applications that meet the technical requirements of the act to determine priority of funding. Such index shall, at at minimum, identify the factors that will be considered in scoring an application and assign a numerical value for each of those factors. In addition to those items listed in subdivisions (1) to (5) of this section, such factors shall also include an evaluation of each application for the water quality benefits from reduced soil erosion and runoff, the on-farm benefits

of reduced soil erosion, and the cost per acre of an application. Priority may be given to those applications which create buffer strips at the lowest possible cost, assuming environmental protection benefits are equal in other respects;

(7) The minimum requirements necessary for any contractual agreement entered into between a district and applicant;

(8) A project map of the buffer strip program created by the Buffer Strip Act showing the location of buffer strips in each watershed; and

(9) Any other rule and regulation deemed appropriate for implementation of the Buffer Strip Act.

Sec. 12. Section 2-2634, Reissue Revised Statutes of Nebraska, is amended to read:

2-2634. (1) As a condition to registration or renewal of registration as required by sections 2-2628 to 2-2633, an applicant shall pay to the department a fee of ~~one hundred~~ ninety dollars for each pesticide to be registered, except that the fee may be increased or decreased by the director after a public hearing is held outlining the reason for any proposed change in the fee. In no event shall such fee exceed one hundred fifty dollars for each pesticide to be registered. All fees collected shall be remitted to the State Treasurer for credit as follows:

(a) Thirty dollars of each such fee to the Noxious Weed Cash Fund as provided in section 2-958; ~~and~~

(b) Sixty dollars of each such fee to the Buffer Strip Incentive Fund as provided in section 6 of this act; and

(c) The remainder, if any, to the Pesticide Administrative Cash Fund.

(2) If a person fails to apply for renewal of registration before January 1 of any year, such person, as a condition to renewal, shall pay a late registration fee equal to twenty-five percent of the fee due and owing per month, not to exceed one hundred percent, for each product to be renewed in addition to the renewal fee.

Sec. 13. Original section 2-2634, Reissue Revised Statutes of Nebraska, is repealed.".

The Stuhr amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 699.** E & R amendment, AM7235, found on page 1251, was adopted.

Advanced to E & R for engrossment.

**AMENDMENT - Print in Journal**

Mr. Bruning filed the following amendment to LB 1176:
AM4197

(Amendments to AM4046)

1. Strike amendment 1 and all amendments thereto and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Quality Work Force Academic Loan Program Act.

Sec. 2. In response to findings of the Legislature, the purposes of the Quality Work Force Academic Loan Program Act are to:

(1) Retain resident students and graduates in the Nebraska work force who have attended a Nebraska postsecondary educational institution and demonstrated academic merit, achievements, and career goals in either applied technology or academic programs or courses;

(2) Encourage students to seek education and training in fields which are essential to the economic development of the state;

(3) Promote work force development, attraction, and retention in Nebraska by establishing the Governor's Quality Work Force Honor Roll which consists of businesses in Nebraska that support Nebraska's postsecondary students by providing internship experiences;

(4) Establish an agreement with the recipient of a loan from the program that he or she will work full time in Nebraska after graduation and complete a designated number of hours of internship experience with a business participating on the Governor's Quality Work Force Honor Roll;

(5) Provide for the administration of the program and distribution of appropriated state funds by the Coordinating Commission for Postsecondary Education, with the individual loans determined and directly disbursed by regionally or nationally accredited participating Nebraska public, nonprofit, or private postsecondary educational institutions according to rules and regulations adopted and promulgated by the commission; and

(6) Provide financial support for the program by the Legislature in such amounts as may be appropriated.

Sec. 3. The Coordinating Commission for Postsecondary Education shall establish and maintain an information data base which details (a) current efforts by Nebraska public, nonprofit, or private postsecondary educational institutions to recruit students from Nebraska and to place graduates in Nebraska businesses and (b) the number of graduates involved in the Quality Work Force Academic Loan Program from such postsecondary educational institutions by areas of specialty and their employment decisions regarding location of residence, type of employer, title of position, and

compensation packages accepted. The commission shall submit an annual report of the information obtained pursuant to this section to the Executive Board of the Legislative Council.

Sec. 4. (1) The Department of Economic Development, along with representatives of postsecondary educational institutions eligible to participate in the Quality Work Force Academic Loan Program, shall develop a plan to increase the number of Nebraska students and graduates who remain in the work force of Nebraska. The plan shall include a process to annually identify the state's high-priority work force needs using information compiled by the Nebraska Career Information System, the United States Department of Labor, and the Bureau of Business Research of the University of Nebraska-Lincoln. The recommended high-priority work force needs shall be reviewed by the Executive Board of the Legislative Council.

(2) The department shall establish the Governor's Quality Work Force Honor Roll which shall consist of businesses in Nebraska supporting Nebraska's postsecondary students by providing internship experience and paying a fee as determined by a formula developed by the Coordinating Commission for Postsecondary Education, in cooperation with the department, to participate on the Governor's Quality Work Force Honor Roll. The business fees shall be placed in the Quality Work Force Academic Loan Program Revolving Fund. Participating businesses shall offer paid or for college credit internships as negotiated between the student and the business. The businesses shall report to the commission once the student internship is completed. The report shall include whether the former intern was offered permanent employment once the student internship or graduation requirements were completed, reasons given for declining the offer if it was not accepted, and pertinent information as determined by the commission to help evaluate the program. The businesses shall also meet exemplary criteria as determined by the department in rules and regulations. The department in cooperation with the commission shall also recruit businesses to participate in the Governor's Quality Work Force Honor Roll that will provide internships in fields which are identified as high-priority work force needs.

(3) The department shall, in cooperation with the commission, develop a program for matching recipients of loans under the Quality Work Force Academic Loan Program Act with appropriate internships at honor roll businesses. Whenever possible, these internships shall be administered through existing internship programs at each participating postsecondary educational institution. Postsecondary educational institutions participating in the Quality Work Force Academic Loan Program shall be notified concerning internships that are available but have not been filled by loan recipients.

(4) The department shall adopt and promulgate rules and regulations to implement this section.

Sec. 5. (1) The Quality Work Force Academic Loan Program is created. The Coordinating Commission for Postsecondary Education shall administer the program and shall adopt and promulgate rules and regulations to implement the Quality Work Force Academic Loan Program Act. The commission shall annually report on its rules and regulations for the program and program implementation to the Executive Board of the Legislative Council.

(2) Loans pursuant to the program shall be limited to part-time and full-time Nebraska resident students who are enrolled at one of the participating postsecondary educational institutions. Loans shall be limited to students enrolled in a degree, diploma, or certificate program and shall not be made to students enrolled in customized courses and programs for which industry is providing over fifty percent of the financial support, either directly or indirectly, and for which the students are not being charged tuition or mandatory fees by the postsecondary educational institution.

(3) Loans pursuant to the program shall be funded from the Quality Work Force Academic Loan Program Revolving Fund and shall be made to students through postsecondary educational institutions in conjunction with the commission in consideration of each student's academic excellence, achievements, career goals, financial need, and potential for successful course or program completion in accordance with rules and regulations adopted and promulgated by the commission. As a secondary criterion, when qualified loan applicants exceed the funds available, the institution shall give preference to students who have enrolled in fields identified as high-priority work force needs as identified by the Department of Economic Development pursuant to section 4 of this act and who have roots in Nebraska.

(4) Loan applicants must also complete an internship experience with a business participating on the Governor's Quality Work Force Honor Roll at or before graduation, with exceptions identified by the commission. The commission shall create procedures for setting internship requirements.

(5) For full-time students enrolled in a degree, diploma, or certificate program, loans shall be made on an annual basis in an amount not less than one quarter of the student's tuition and mandatory fees. Loans shall not be made to individual students for a cumulative period exceeding five years. For part-time and nontraditional students, the commission shall develop appropriate policies which are consistent with policies developed for full-time students.

(6) Loans shall only be made through a participating postsecondary educational institution to the student. Participating postsecondary educational institutions shall be regionally or nationally accredited public, nonprofit, or private postsecondary educational institutions headquartered in Nebraska which comply with the act and the rules and regulations adopted and

promulgated by the commission. The commission may create an application, audit, and approval process for participating postsecondary educational institutions and shall require such institutions to provide information necessary to establish and maintain an information data base described in section 3 of this act.

(7) The amount of funding available shall be divided among all participating postsecondary educational institutions annually for utilization by students attending the institutions based on a distribution formula as determined by the commission in accordance with its rules and regulations.

(8) The commission shall define internship experience based on the requirements of participating institutions.

Sec. 6. The Quality Work Force Academic Loan Program Revolving Fund is created. The fund shall consist of appropriations by the Legislature, loan repayments, penalties, interest payments, contributions and fees from businesses, and any other funds received in the process of administering the program. When appropriated by the Legislature, any balance in the fund may be disbursed to participating postsecondary educational institutions for loans under the Quality Work Force Academic Loan Program or for the costs incurred in administering the program. 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 fund shall be administered by the Coordinating Commission for Postsecondary Education. In annual funding requests, the commission shall not assume there will be an increase in appropriations. To sustain the program, the appropriated amounts each year shall fund the program for four years.

Sec. 7. (1) To be eligible for a loan under the Quality Work Force Academic Loan Program, a full-time student shall sign a contractual agreement with the Coordinating Commission for Postsecondary Education at the time the loan is awarded. The agreement shall establish the requirement that if the student is not employed full time in Nebraska following the completion of his or her chosen program for a time period equal to the number of years the student received loans, if the student has not completed the requisite hours of internship experience with a participating business on the Governor's Quality Work Force Honor Roll with exceptions as identified by the commission, if the student is not enrolled on a full-time basis in a graduate program within six months of obtaining an undergraduate degree for which a loan from the program was obtained, or if the student does not complete the requirements for graduation within five consecutive years, the amount awarded must be repaid with interest at the rate fixed pursuant to section 45-103 as of the date the student signed the contract and an appropriate penalty as determined by the commission. The commission may by rules and regulations make

exceptions to the condition for mitigating circumstances. For part-time and nontraditional students, the commission shall develop appropriate policies which are consistent with the policies established for full-time students. A student receiving a loan shall agree in writing to use the loan for tuition and mandatory fees only. Proof of internship or work experience must be submitted to the commission by the loan recipient at or before graduation, with exceptions identified by the commission. The employment obligations shall begin within six months after the student has completed the course of study for which the loan or loans were received. If the student successfully completes the program of study, completes the internship program, becomes employed within the state, and otherwise meets the requirements of the contract for the loan program payments are suspended for the number of years that the applicant is required to remain employed in Nebraska under the contract. After completion of the required period of full-time employment in Nebraska, the loan is forgiven.

(2) The commission has the administrative responsibility of tracking students who participate in the loan program and developing repayment tracking and collection mechanisms, including the authority to contract for services. The commission shall also notify the student, the Department of Revenue, and the United States Internal Revenue Service when the student completes all of the requirements for forgiveness of the loan and the loan amount becomes taxable income.

Sec. 8. The Coordinating Commission for Postsecondary Education shall require an annual report on the Quality Work Force Academic Loan Program from each participating institution. On or before December 15 of each year, the commission shall present a report to the Governor and the Clerk of the Legislature providing, at a minimum, detail by institution, high-priority work force needs areas, and the full-time or part-time status of the students receiving the loans. The report shall include a financial statement and a description of the activity in the Quality Work Force Academic Loan Program Revolving Fund.'.".

## RESOLUTION

**LEGISLATIVE RESOLUTION 476.** Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Matzke, 47; Suttle, 10; Thompson, 14; Witek, 31.

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 services and trauma system development; affordable housing; housing code enforcement; mental health

services; developmental disabilities services; the role of counties in health and human services programs; the Nebraska Partnership Project; substance abuse; poverty; welfare reform; managed care; 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; the role and mission of the regional centers in the mental health care delivery system; and health and human services and economic opportunities on Indian reservations. These and other issues may need review by the Legislature to determine the appropriate legislative responses.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 395. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 752A. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Lisa Brichacek and Laura King from Wahoo; Ambassador Alvin P. Adams Jr., President of the United Nations Association of the USA; Martha and Steve McGahan from Grand Island; 15 fourth grade students and teachers from Plattsmouth; 8 seniors and teachers from Spalding Academy; 43 fourth grade students and teachers from Dakota City; Senator Beutler's mother, Dorothy Beutler, and aunt, Elizabeth Braun; 100 eighth grade students and teachers from Kirn Junior High School, Council Bluffs, Iowa; and 8 eighth grade students and teacher from Harrison.

## ADJOURNMENT

At 2:09 p.m., on a motion by Mr. Bruning, the Legislature adjourned until 9:00 a.m., Monday, March 30, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTY-SECOND DAY - MARCH 30, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 30, 1998

Pursuant to adjournment, the Legislature met at 9:04 a.m., Mrs. Crosby presiding.

### PRAYER

The prayer was offered by Father Gross, St. Wenceslaus Catholic Church, Wahoo, Nebraska.

### ROLL CALL

The roll was called and all members were present except Mr. Janssen who was excused; and Messrs. Dierks, Engel, Matzke, Robinson, Schellpeper, Schmitt, Wehrbein, Will, Willhoft, Mmes. C. Peterson, and Ms. Schimek who were excused until they arrive.

**SPEAKER KRISTENSEN PRESIDING**

### CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

### MOTION - Approve Appointment

Mrs. Stuhr moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointment found on page 1396: Mr. Lormong Lo - Nebraska Public Employees Retirement Board.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Hudkins | Landis | Schrock |
| Bohlke | Elmer | Jensen | Maurstad | Stuhr |
| Brashear | Hartnett | Jones | Pedersen, Dw. | Tyson |
| Bromm | Hilgert | Kiel | Pederson, D. | Wickersham |
| Bruning | Hillman | Kristensen | Robak | Witek |
| Coordsen | | | | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Preister | Suttle | Vrtiska |
| Brown | Lynch | Raikes | Thompson | Wesely |
| Chambers | | | | |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Dierks | Matzke | Schellpeper | Schmitt | Will |
| Engel | Peterson, C. | Schimek | Wehrbein | Willhoft |
| Janssen | Robinson | | | |

The appointment was confirmed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 1063A.** Title read. Considered.

Mr. Beutler withdrew his amendment, AM4112, found on page 1456.

Mr. Wesely offered the following amendment:
AM4219

1. Strike original sections 1 to 3 and insert the following new sections:

"Section 1. There is hereby appropriated (1) $207,794 from the General Fund, $191,318 from the Children's Health Insurance Cash Fund, and $699,755 from federal funds for FY1998-99 and (2) $169,210 from the General Fund, $317,584 from the Children's Health Insurance Cash Fund, and $985,856 from federal funds for FY1999-00 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 1063, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $605,015 for FY1998-99 or $941,348 for FY1999-00.

Sec. 2. There is hereby appropriated (1) $132,852 from the General Fund, $123,558 from the Children's Health Insurance Cash Fund, and $450,571 from federal funds for FY1998-99 and (2) $95,811 from the General Fund, $178,641 from the Children's Health Insurance Cash Fund, and $554,544 from federal funds for FY1999-00 to the Department of Health and Human Services Finance and Support, for Program 341, to aid in carrying out the provisions of Legislative Bill 1063, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries

and per diems from funds appropriated in this section shall not exceed $32,469 for FY1998-99 or $66,723 for FY1999-00.

Sec. 3. There is hereby appropriated (1) $3,148,757 from the Children's Health Insurance Cash Fund and $8,096,805 from federal funds for FY1998-99 and (2) $4,962,254 from the Children's Health Insurance Cash Fund and $12,760,083 from federal funds for FY1999-00 to the Department of Health and Human Services Finance and Support, for Program 344, to aid in carrying out the provisions of Legislative Bill 1063, Ninety-fifth Legislature, Second Session, 1998.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Wesely amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 1162A.** 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.

## SELECT FILE

**LEGISLATIVE BILL 309A.** Advanced to E & R for engrossment.
**LEGISLATIVE BILL 1228A.** Advanced to E & R for engrossment.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 1010, 1070, 1120, 1120A, and 1162.

### Enrollment and Review Change to LB 1010

The following changes, required to be reported for publication in the Journal, have been made:
ER9144

1. On page 1, line 3, ", and section 48-115, Revised Statutes Supplement, 1997" has been inserted after "Nebraska"; and in line 4 "to redefine terms;" has been inserted after the first semicolon.

## Enrollment and Review Change to LB 1070

The following changes, required to be reported for publication in the Journal, have been made:
ER9141

1. In the Wehrbein-Wesley amendment, AM4084, sections 2 to 7 and 12 have been renumbered as sections 3 to 8 and 21, respectively.

2. In the Wesely amendment AM4056:

a. Amendment 2. has been struck; and

b. On page 2, line 19 the first "(h)" has been struck and "(i)" inserted; in line 20 "(i)" has been struck and "(j)" inserted; and in line 24 "of" has been inserted after "making".

3. In the Crosby amendment, AM3853, the matter beginning with the second semicolon in line 3 through the last quotation mark in line 4 has been struck.

4. The Maurstad amendment, FA632, has been incorporated in the Maurstad amendment, AM4094, on page 2, line 5.

5. In the Maurstad amendment, AM4094:

a. Sections 1 to 8 have been renumbered as sections 11 to 18, respectively, and the internal references have been corrected accordingly;

b. On page 2, line 5, an underscored comma has been inserted after "organizations"; and

c. On page 3, line 26, "and" has been struck and an underscored comma inserted and ", or other public health organizations that have a substantial Native American clientele" has been inserted after "organizations".

6. In the E & R amendment, AM7221:

a. Amendment 2 has been struck and the following amendment inserted:

"2. On page 1, strike beginning with 'Laws' in line 1 through line 10 and insert 'section 71-6050, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Health Care Trust Fund Act and the Native American Public Health Act; to create funds; to harmonize provisions; to provide operative dates; to repeal the original section; and to declare an emergency.'.";

b. On page 10, line 6, "shall award" has been inserted before "grants"; and

c. On page 10, line 7; page 11, line 21; and page 12, line 12, "(f)" has been struck and "(g)" inserted.

## Enrollment and Review Change to LB 1120

The following changes, required to be reported for publication in the Journal, have been made:
ER9142

1. In the Tyson amendment, AM4081, on page 2, lines 4 and 5, "effective date of this act" has been struck and "operative date of this section" inserted.

2. In the E & R amendments, AM7224, on page 2, line 2, "to create a fund;" has been inserted after the last semicolon; and in line 5 "to state intent; to create a task force to study radio communication;" has been inserted after the first semicolon.

3. In the Standing Committee amendments, AM3364:

a. On page 2, line 6, "who reside" has been struck and "residing" inserted; and in line 13 "which reside" has been struck and "residing" inserted;

b. On page 3, line 11, the period and all amendments thereto have been struck and an underscored semicolon inserted; and in line 15 the period has been struck and "; and" inserted;

c. On page 5, lines 22 and 24, the stricken matter has been reinstated and the new matter has been struck;

d. On page 26, line 26, "subdivision (3)(b)" has been struck and "subdivisions (3)(a) and (b)" inserted;

e. On page 28, line 7, "29" has been struck and "31" inserted; and in line 8 "30, and 31" has been struck and "32, and 33" inserted.

4. On page 1, line 1, "fire protection districts" has been struck and "public safety" inserted.

## Enrollment and Review Change to LB 1162

The following changes, required to be reported for publication in the Journal, have been made:

ER9143

1. In the Wesely amendment, FA645, "84-1601(2)" has been struck and "of this subsection" inserted.

2. In the E & R amendment, AM7230:

a. On page 3, line 13, "persons" has been struck and "person" inserted;

b. On page 17, line 10, "service" has been struck and "services" inserted;

c. On page 27, lines 12 and 20, the period has been struck and an underscored semicolon inserted;

d. On page 28, line 3, the period has been struck and "; and" inserted;

e. On page 35, line 16; and page 37, line 4, the comma has been struck;

f. On page 35, line 18; and page 37, line 15, an underscored comma has been inserted after "including";

g. On page 43, line 25, "of this section" has been struck;

h. On page 69, line 4, "the" has been inserted after the first comma; and in line 26 "than" has been struck and "that" inserted;

i. On page 73, line 2, an underscored comma has been inserted after "grievance"; and

j. On page 79, lines 8 and 13, the comma has been struck.

3. On page 1, line 2, "and" has been struck and "84-1601, and 84-1604," has been inserted after the last comma; in lines 3 and 4 "and 44-6823" has been struck and "44-6823, and 81-1307" inserted; and in line 10 "to provide for coverage under the Nebraska State Insurance Program for temporary state employees;" has been inserted before the first "to".

(Signed) Jon C. Bruning, Chairperson

## AMENDMENT - Print in Journal

Mrs. Hillman filed the following amendment to LB 1035:
FA659
Strike the enacting clause.

## NOTICE OF COMMITTEE HEARING
## Health and Human Services

Tuesday, April 7, 1998 1:00 p.m.
Foster Care Review Board
Weston W. Andre-Hann
Susan Gilmore
Carolyn Green
Linda Lund
Carol Ruskamp

Nebraska Child Abuse Prevention Fund
Kevin F. Benesch
Jack L. Price
Jane Storey
Peter Tulipana

Nebraska Health and Human Services Partnership Council
Ann Holtz

State Board of Health
Henry L. Balters
Dennis C. Hirschbrunner
Jerry Vaughan
Glenn P. York

Nebraska Rural Health Advisory Commission
Margaret Cavanaugh-Boyer
Alice M. Kindschuh
Gary J. Pavel
Jerome Seigfried, Jr.

(Signed) Don Wesely, Chairperson

## MOTION - Return LB 404 to Select File

Mr. Chambers moved to return LB 404 to Select File for his specific amendment, FA560, found on page 935.

Mr. Chambers withdrew his motion to return.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 404.** With Emergency.

A BILL FOR AN ACT relating to judges; to amend sections 24-301.02 and 24-503, Reissue Revised Statutes of Nebraska, and section 43-2,119, Revised Statutes Supplement, 1996; to change the number of county court, district court, and separate juvenile court judges; 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 | Cudaback | Jones | Peterson, C. | Schrock |
| Beutler | Dierks | Kiel | Preister | Stuhr |
| Bohlke | Elmer | Kristensen | Raikes | Suttle |
| Brashear | Engel | Landis | Robak | Thompson |
| Bromm | Hartnett | Lynch | Robinson | Tyson |
| Brown | Hilgert | Matzke | Schellpeper | Vrtiska |
| Bruning | Hillman | Maurstad | Schimek | Wehrbein |
| Coordsen | Hudkins | Pedersen, Dw. | Schmitt | Wickersham |
| Crosby | Jensen | Pederson, D. | | |

Voting in the negative, 2:

Chambers Witek

Present and not voting, 2:

Wesely Willhoft

Excused and not voting, 2:

Janssen 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 404A

Mr. Chambers withdrew his amendment, FA561, found on page 935, to LB 404A.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 404A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 404, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Pederson, D. | Schrock |
| Beutler | Dierks | Kiel | Peterson, C. | Stuhr |
| Bohlke | Elmer | Kristensen | Preister | Suttle |
| Brashear | Engel | Landis | Raikes | Thompson |
| Bromm | Hartnett | Lynch | Robak | Tyson |
| Brown | Hilgert | Matzke | Robinson | Vrtiska |
| Bruning | Hillman | Maurstad | Schellpeper | Wehrbein |
| Crosby | Hudkins | Pedersen, Dw. | Schimek | |

Voting in the negative, 2:

Chambers Witek

Present and not voting, 6:

Coordsen Schmitt Wesely Wickersham Willhoft
Jensen

Excused and not voting, 2:

Janssen 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 799

Mr. Will withdrew his amendment, FA567, found on page 953, to LB 799.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 799.**

A BILL FOR AN ACT relating to appropriations; to amend sections 82-313 and 82-315, Reissue Revised Statutes of Nebraska; to state intent; to create funds and provide appropriations for arts and humanities funding; to provide for grants and matching funds; to provide duties for the Nebraska Arts Council; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kiel | Preister | Suttle |
| Beutler | Dierks | Kristensen | Raikes | Thompson |
| Bohlke | Elmer | Landis | Robinson | Tyson |
| Brashear | Engel | Lynch | Schellpeper | Vrtiska |
| Bromm | Hartnett | Matzke | Schimek | Wehrbein |
| Brown | Hilgert | Maurstad | Schmitt | Wesely |
| Bruning | Hillman | Pederson, D. | Schrock | Wickersham |
| Chambers | Hudkins | Peterson, C. | Stuhr | Willhoft |
| Crosby | Jones | | | |

Voting in the negative, 1:

Witek

Present and not voting, 4:

Coordsen Jensen Pedersen, Dw. Robak

Excused and not voting, 2:

Janssen Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 799A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 799, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Jones | Preister | Suttle |
| Beutler | Cudaback | Kiel | Raikes | Thompson |
| Bohlke | Dierks | Kristensen | Robak | Tyson |
| Brashear | Elmer | Landis | Robinson | Vrtiska |
| Bromm | Engel | Lynch | Schellpeper | Wehrbein |
| Brown | Hartnett | Matzke | Schimek | Wesely |
| Bruning | Hilgert | Maurstad | Schmitt | Wickersham |
| Chambers | Hillman | Pederson, D. | Schrock | Willhoft |
| Coordsen | Hudkins | Peterson, C. | Stuhr | |

Voting in the negative, 1:

Witek

Present and not voting, 2:

Jensen Pedersen, Dw.

Excused and not voting, 2:

Janssen Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 225 with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 225.**

A BILL FOR AN ACT relating to employment security; to amend sections 48-624, 48-627, 48-628, and 48-669, Revised Statutes Supplement, 1996; to change provisions relating to weekly benefit amounts; to change eligibility and disqualification provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Bruning | Crosby | Elmer |
| Beutler | Bromm | Chambers | Cudaback | Engel |
| Bohlke | Brown | Coordsen | Dierks | Hartnett |

| | | | | |
|---|---|---|---|---|
| Hilgert | Landis | Preister | Schmitt | Vrtiska |
| Hillman | Lynch | Raikes | Schrock | Wehrbein |
| Hudkins | Maurstad | Robak | Stuhr | Wesely |
| Jensen | Pedersen, Dw. | Robinson | Suttle | Wickersham |
| Jones | Pederson, D. | Schellpeper | Thompson | Willhoft |
| Kiel | Peterson, C. | Schimek | Tyson | Witek |
| Kristensen | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 2:

Janssen Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 924 with 36 ayes, 4 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 924.** With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 2-1570, 9-812, 9-836.01, 52-1302, 52-1307, 52-1312, 52-1313, 52-1318, 52-1602, 77-2702.03, 79-1310, 79-1327, 81-1108, 81-1116, 81-1116.02, 81-1117.02, 81-1120.38, 81-1167, 81-15,177, 81-2304, 81-2308, 81-2602, 81-2604, 81-2605, and 84-407, Reissue Revised Statutes of Nebraska, sections 33-101, 81-1102, 81-1107, 81-1117, 81-1120.17, 81-1195, and 81-1199, Revised Statutes Supplement, 1996, sections 60-308, 77-2701, 84-1205.01, 84-1205.02, 84-1205.03, and 84-1205.05, Revised Statutes Supplement, 1997, and sections 1-101, 9-306, 9-307, 9-411, 9-415, and 9-420, Uniform Commercial Code; to state intent; to create the Nebraska Information Technology Commission, the office of Chief Information Officer, a panel, a retraining program, and funds; to eliminate a fund; to provide and change powers and duties; to provide, change, and eliminate provisions relating to fees and distribution of fees; to rename a division of the Department of Administrative Services; to adopt the Nebraska Plane Coordinate System Act; to provide for the use of digital signatures; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Hillman | Peterson, C. | Stuhr |
| Beutler | Cudaback | Kiel | Preister | Suttle |
| Bohlke | Dierks | Kristensen | Raikes | Thompson |
| Brashear | Elmer | Lynch | Robak | Wehrbein |
| Bromm | Engel | Matzke | Robinson | Wesely |
| Brown | Hartnett | Pedersen, Dw. | Schimek | Wickersham |
| Bruning | Hilgert | Pederson, D. | Schrock | Willhoft |
| Coordsen | | | | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Jensen | Maurstad | Tyson | Witek |
| Hudkins | Landis | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Jones | Schellpeper | Schmitt | Vrtiska |

Excused and not voting, 2:

| | |
|---|---|
| Janssen | 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 924A to Select File

Mrs. Hillman moved to return LB 924A to Select File for the following specific amendment:
FA660
Strike the enacting clause.

Mrs. Hillman withdrew her motion to return.

## BILLS ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 924A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 924, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Crosby | Hillman | Pederson, D. | Suttle |
| Beutler | Cudaback | Kiel | Peterson, C. | Thompson |
| Bohlke | Dierks | Kristensen | Preister | Wehrbein |
| Brashear | Elmer | Landis | Raikes | Wesely |
| Brown | Engel | Lynch | Robak | Wickersham |
| Bruning | Hartnett | Matzke | Schimek | Willhoft |
| Coordsen | Hilgert | Pedersen, Dw. | Schrock | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Jensen | Tyson | Witek |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bromm | Hudkins | Maurstad | Schellpeper | Stuhr |
| Chambers | Jones | Robinson | Schmitt | Vrtiska |

Excused and not voting, 2:

| | |
|---|---|
| Janssen | 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.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1056 with 37 ayes, 1 nay, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1056.** With Emergency.

A BILL FOR AN ACT relating to motor carriers; to amend sections 60-6,173, 66-1401, and 75-126, Reissue Revised Statutes of Nebraska, and sections 66-1414, 75-363, and 75-364, Revised Statutes Supplement, 1997; to provide powers for the Director of Motor Vehicles with respect to certificates and licenses under the International Registration Plan and International Fuel Tax Agreement Act; to provide for licenses and hearings; to eliminate obsolete provisions; to change provisions relating to state adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to provide for certain common carrier services to be

performed free or at a reduced rate; 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, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Preister | Suttle |
| Beutler | Dierks | Kiel | Raikes | Thompson |
| Bohlke | Elmer | Kristensen | Robak | Tyson |
| Brashear | Engel | Landis | Robinson | Vrtiska |
| Bromm | Hartnett | Matzke | Schellpeper | Wehrbein |
| Brown | Hilgert | Maurstad | Schimek | Wesely |
| Bruning | Hillman | Pedersen, Dw. | Schmitt | Wickersham |
| Chambers | Hudkins | Pederson, D. | Schrock | Willhoft |
| Coordsen | Jensen | Peterson, C. | Stuhr | Witek |
| Crosby | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 2:

Janssen Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## ANNOUNCEMENT

The Chair announced today is Senator Wesely's birthday.

## GENERAL FILE

**LEGISLATIVE BILL 1158.** Title read. Considered.

Mrs. Brown and Mr. Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

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

**LEGISLATIVE BILL 532.** Title read. Considered.

The Standing Committee amendment, AM3338, found on page 820, was considered.

Pending.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 404, 404A, 799, 799A, 225, 924, 924A, and 1056.

## GENERAL FILE

**LEGISLATIVE BILL 532.** The Standing Committee amendment, AM3338, found on page 820, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

**MR. COORDSEN PRESIDING**

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

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 1073.** Mr. Preister renewed his pending motion, found on page 1483, to reconsider the Dierks amendment, AM4157, found on page 1436.

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

Mr. Preister withdrew his motion to reconsider.

Mr. Chambers renewed his pending motion, found on page 1447, to bracket LB 1073 until April 12, 1998.

Mr. Chambers withdrew his motion to bracket.

Mr. Dierks withdrew his amendment, FA652, found on page 1481.

Messrs. Brashear, Beutler, Dierks, and Wesely offered the following amendment:
AM4227

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 153. Section 81-15,102, Revised Statutes Supplement, 1997, is amended to read:

81-15,102. (1) The state shall accept or acquire, by gift, transfer, or purchase, from the licensed facility operator, title to the land and appurtenances used for the disposal of low-level radioactive waste after the expiration of both the operational life and closure period of the facility, if:

(a) Both the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality determine that (i) the requirements for site closure, decommissioning, and decontamination adopted pursuant to rules and regulations of the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality which are allowed under federal law have been met by the licensed facility operator and (ii) such operator is in compliance with all financial requirements; and

(b) The amendments to the Central Interstate Low-Level Radioactive Waste Compact made by Laws 1991, LB 837, section 4, codified in section 71-3521, are in effect and have been ratified by Congress.

The title to the land and appurtenances shall be transferred without cost to the state. Such transfer of title to the state does not relieve the developer, licensed facility operator, or generators of such waste from liability for their actions that occurred whether known or unknown during the design, construction, operation, and closure of the facility. Sites received by gift or transfer shall be subject to approval and acceptance by the Legislature on behalf of the state.

(2) The applicant shall notify the Governor and the Legislature before beginning any onsite geological activity, such as soil core sampling, to determine the suitability of a site in the State of Nebraska for use as a facility.

(3) Lands and appurtenances which are used for the disposal of low-level radioactive waste shall be acquired and held in fee simple absolute by the licensed facility operator so long as such ownership does not preclude licensure or operation of the facility under federal law and until title to the land and appurtenances is transferred to the state pursuant to subsection (1) of this section. Such lands and appurtenances shall be used exclusively for the disposal of low-level radioactive waste until the department determines that such exclusive use is not required to protect the public health, safety, welfare, or environment. Before such a site is leased for other use, the department shall require and assure that the radioactive waste history of the site be recorded in the permanent land records of the site. Remedial cleanup costs which become necessary during the period of custodial care shall be assessed first to the licensed facility operator, then proportionately against the generators of the radioactive

waste and as set out in the Central Interstate Low-Level Radioactive Waste Compact found in section 71-3521.

(4) The state may contract for the management of a disposal site. The contractor shall be subject to licensing by the department and shall be subject to the surety and custodial care funding provisions of section 81-15,103.

(5) If and until licensing of a facility operator is approved, no further construction contracts shall be let or actual construction begun, other than filling the identified wetland, before the Department of Environmental Quality has conducted a six-month public education program to inform the people of the county and the people of the state of the exact characteristics of the facility to be built, which program shall be undertaken forthwith.

Sec. 154. The Executive Board of the Legislative Council in conjunction with the Natural Resources Committee of the Legislature shall conduct an interim study on the legal consequences of withdrawing from the Central Interstate Low-Level Radioactive Waste Compact. There is hereby appropriated $150,000 from the rebate fund for FY1998-99 to the Executive Board of the Legislative Council to hire legal counsel for advice on such issues.".

2. Correct the operative date and repealer sections so that the sections 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. CROSBY PRESIDING**

**PRESIDENT ROBAK PRESIDING**

Mr. Wesely offered the following amendment to the Brashear et al. pending amendment:
FA661
Amend AM4227
On page 3, line 18 after the period, add "It is the intent of the Legislature that" and remove "There is hereby appropriated" in line 19, remove "from the" and add "of federal" before "rebate." Add after "rebate" funds appropriated to the Dept. of Environmental Quality" and remove "fund". After "FY1998-99" in line 19, add "shall be transferred"

Messrs. Kristensen and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

The Wesely amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Preister offered the following amendment to the Brashear et al. pending

amendment:
FA663
Amend AM4227
by adding on page 3 line 9 after "Quality", "and the Dept. of Health and Human Services".
and strike on page 3 line 11 "county and the people of the"

Mr. Beutler requested a division of the question on the Preister amendment.

The Chair sustained the division of the question.

The first Preister amendment, to the Brashear et al. pending amendment, is as follows:
FA665
Amend AM4227
and strike on page 3 line 11 "county and the people of the"

Mr. Preister withdrew his amendment.

Messrs. Cudaback and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The second Preister amendment, to the Brashear et al. pending amendment, is as follows:
FA664
Amend AM4227
by adding on page 3 line 9 after "Quality", "and the Dept. of Health and Human Services".

Mr. Preister withdrew his amendment.

Mr. Chambers offered the following amendment to the Brashear et al. pending amendment:
FA666
Amend AM4227
Page 3, line 12, put a period after "built" and strike remaining language through line 13.

Pending.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 1998, at 10:45 a.m., were the following bills: LBs 404, 404A, 799, 799A, 225, 924, 924A, and 1056.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 532A.** Introduced by Stuhr, 24; Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 532, Ninety-fifth Legislature, Second Session, 1998.

**LEGISLATIVE BILL 1126A.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1126, Ninety-fifth Legislature, Second Session, 1998.

## AMENDMENTS - Print in Journal

Mrs. Suttle filed the following amendment to LB 1028:
AM4213

(Amendments to E & R amendments, AM7238)

1. Strike sections 1 and 2 and all amendments thereto and insert the following new sections:

"Section 1. Section 77-2715.02, Revised Statutes Supplement, 1997, 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) Except as provided in subdivision (2)(e) of this section, 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~~ .67, .935, 1.343, and 1.793;

(e) For tax ~~years~~ year 1997, ~~and 1998,~~ 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 .6784, .9432, 1.3541, and 1.8054;

(f) 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

(g) 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 77-2715.07 Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.07. (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by ~~sections 77-2714 to 77-27,123~~ the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(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 qualified resident individuals against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) For such individuals who have federal adjusted gross incomes of greater than twenty-five thousand dollars, a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended; and

(b) For such individuals who have federal adjusted gross incomes of twenty-five thousand dollars or less, a refundable credit equal to one hundred percent of the federal credit allowable under section 21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal income tax liability.

(3) There shall be allowed to all individuals as a nonrefundable credit against the income 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)~~ (4) There shall be allowed as a credit against the income 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.".

The Revenue Committee filed the following amendment to LB 1142:
AM4214

(Amendments to Standing Committee amendments, AM3776)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) By September 30, 1999, and each September 30 thereafter, each county assessor shall provide an assessment plan and current year budget to the Property Tax Administrator. The plan shall include specific detail on the processes that the county assessor will implement for the next assessment year for (a) the accurate capturing and listing of assessment information, (b) the correlation of the assessed valuations of all real property in the county, and (c) the dissemination of information to the public regarding the actions taken by the county assessor. The plan shall also describe the processes that the county assessor will implement over the next three years to keep the assessment and valuation information

current and accurate.

(2) If a county assessor fails to provide a plan or the plan provided fails to meet the requirements of this section, the Property Tax Administrator shall investigate the assessment practices of the county and take any actions necessary to secure compliance with this section pursuant to section 77-1330.

(3) The Property Tax Administrator shall monitor the implementation of the plan by the county assessor.

(4) The Property Tax Administrator shall develop a model plan that meets the requirements of this section. The model plan shall be available upon request of a county assessor by September 1 each year.

Sec. 2. (1) Except as provided in subsection (4) of this section, if the ad valorem property taxes paid by an owner of record of a parcel of real property on the parcel for a property tax year increase by more than eight percent over the property taxes paid on the parcel for the prior property tax year by the same owner, other than the increases specified in subsection (3) of this section, the owner may apply for a refund of the amount of the increased property taxes which are in excess of the eight-percent amount. The maximum refund under this section shall be one thousand dollars per parcel, and the maximum refund per taxpayer shall be ten thousand dollars per tax year. The application shall be:

(a) Made on a form prescribed and furnished by the Property Tax Administrator. The form shall provide information so that an applicant may make an informed decision regarding the property of filing for a refund with the Property Tax Administrator;

(b) Filed with the Property Tax Administrator within two years after the date the property taxes were due and payable;

(c) Accompanied with proof of payment and documentation showing that the conditions of this section have been met, including that all taxes have been paid on the property; and

(d) Accompanied by a twenty-five-dollar filing fee.

(2)(a) Upon completion of the application, the applicant shall deliver the completed application to the county assessor of the county where the parcel is located.

(b) The county assessor shall review the application to determine if any of the exclusions in subsection (4) of this section apply and compute the effect of any of the exceptions in subsection (3) of this section which may apply. The county assessor shall review the application within thirty days after receipt thereof and return the reviewed application to the applicant at the address on the application.

(c) The applicant may file the reviewed application with the Property Tax Administrator pursuant to subsection (1) of this section.

(d) Upon receipt of the application, the Property Tax

Administrator shall review the application and approve, approve in part, or deny each application.

(e) If the application is approved in whole or in part, the filing fee shall be refunded to the applicant with the refund.

(f) The Property Tax Administrator shall notify the applicant at the address on the application of the Property Tax Administrator's decision. Notification of approval may be included with the payment for refund.

(g) The decision of the Property Tax Administrator may be appealed by any affected party in accordance with the Tax Equalization and Review Commission Act.

(3) Property tax increases resulting from the following causes shall be subtracted from the total increase in property taxes before the computations of increases under subsection (1) of this section:

(a) Any increase attributable to an addition of new improvements, a material change to existing improvements, or a change in zoning of the property, which are reflected in the assessed value for the first time in the tax year;

(b) Any increase attributable due to termination or reduction of a homestead exemption pursuant to sections 77-3501 to 77-3529;

(c) Any increase attributable to the payment of interest or penalty assessed by the county;

(d) Any increase attributable to an increase authorized by an override vote by the voters to exceed a levy limit under section 77-3444 or a budget limit under section 13-519 or 79-1029;

(e) Any increase attributable to authorization for bonded debt by a political subdivision or the execution of a lease-purchase contract excepted under section 77-3442;

(f) Any increase due to a reduction in carryover of unused budget authority by a political subdivision for the year for which the taxes are levied;

(g) Any increase due to judgments, except judgments or orders of the Commission of Industrial Relations, obtained against a political subdivision which require or obligate the political subdivision to pay the judgment to the extent not paid by liability insurance coverage of the political subdivision; and

(h) Any increase due to a change in use of the parcel.

(4) A taxpayer shall not be eligible for any refund for a parcel which, during the prior property tax year, has been subjected to (a) tax district changes, such as annexation, merger, consolidation, or reorganization, (b) loss of special valuation under sections 77-1343 to 77-1348, (c) subdivision of the property for development within the previous five years, (d) the addition to the assessment roll or tax roll of omitted property, or (e) loss of exempt status.

(5) Refunds for approved applications shall be made from the Property Tax Division Cash Fund. The fund shall be reimbursed

for refunds from money appropriated for purposes of section 77-27,136 unless the Property Tax Administrator has assumed the assessment functions and other duties of the county assessor in the county in which the parcel is located. The Property Tax Administrator shall certify the amount of such refunds by county to the Tax Commissioner and State Treasurer. The State Treasurer shall transfer the amount of such refunds to the Property Tax Division Cash Fund from money appropriated for purposes of section 77-27,136. If the Property Tax Administrator has assumed the assessment function for the county where the parcel is located, the Property Tax Division Cash Fund shall be reimbursed from the General Fund. If the amount of refunds in a county exceed the amount due the county under section 77-27,136, the State Treasurer shall make the transfer from insurance premium tax proceeds. Any remaining unreimbursed refunds shall be carried over into the next year and be reimbursed from county funds at that time.

(6) This section applies to ad valorem property taxes on a homestead as defined in section 77-3502 commencing with taxes paid for property tax year 1999 and to ad valorem property taxes paid on any parcel of real property commencing with taxes paid for property tax year 2000.

Sec. 3. Section 77-27,137, Revised Statutes Supplement, 1997, is amended to read:

77-27,137. (1) The appropriation provided for in section 77-27,136 for aid to counties shall be distributed to the various county treasurers of the state.

(2) A tentative distribution shall be determined by dividing seventeen million dollars on the basis of the ratio of the total amount of property taxes levied by the particular county for county purposes to the total amount of property taxes levied by all counties for county purposes based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Property Tax Administrator pursuant to section 77-1613.01.

(3) The tentative distribution to each county computed under subsection (2) of this section shall be reduced by dividing three million five hundred thousand dollars on the basis of the ratio of the total amount of taxable value of agricultural income-producing machinery and equipment in a particular county to the total amount of taxable value of agricultural income-producing machinery and equipment in all counties based on the amounts certified by the counties to the Property Tax Administrator on the certificate of taxes levied pursuant to section 77-1613.01.

(4) The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Before certifying such amounts, the Tax Commissioner shall reduce the amount to be distributed to a county by refunds made in the county. Each amount shall be distributed in seven as nearly as possible equal monthly payments on the last business day of each month

beginning in December. The State Treasurer shall, on the business day preceding the last business day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.

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 77-27,137, Revised Statutes Supplement, 1997, is repealed.".

Mr. Wickersham filed the following amendment to LB 1176:
AM4220

(Amendments to AM4197)

1. On page 7, line 2, after "Legislature" insert "for FY1998-99"; and strike beginning with "In" in line 13 through line 16 and insert "The Legislature shall appropriate funds to the Quality Work Force Academic Loan Program Revolving Fund for FY1998-99 only. After FY1998-99, the only sources of funding shall be loan repayments, penalties, interest payments, contributions, fees from businesses, and any other funds received in the process of administering the program. To sustain the program, amounts available in the fund for each year shall fund the program for four years.".

**UNANIMOUS CONSENT - Add Cointroducers**

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 1126. No objections. So ordered.

Mrs. Kiel asked unanimous consent to have her name added as cointroducer to LR 474. No objections. So ordered.

Mr. Kristensen asked unanimous consent to have his name added as cointroducer to LR 464. No objections. So ordered.

**WITHDRAW - Cointroducers**

Mr. Elmer withdrew his name as cointroducer to LB 1126.

Mr. Jensen withdrew his name as cointroducer to LB 1114.

## VISITORS

Visitors to the Chamber were 100 sophomores sponsored by the GFWC Nebraska Federation of Women's Clubs from across the state; Joe Scahill from Aurora; and 38 fourth grade students and teachers from Bryan Elementary School, Lexington.

## RECESS

At 12:07 p.m., on a motion by Mr. Hartnett, 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. Janssen who was excused; and Mmes. Brown, Kiel, Messrs. Coordsen, Engel, Landis, Matzke, and Will who were excused until they arrive.

## MOTION - Print in Journal

Mr. Kristensen filed the following motion to LB 1154A:
Suspend the rules, Rule 5, Section 6(f) and (g) to permit consideration of LB 1154A, without considering LB 1154.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1219.** Placed on Select File as amended.
(E & R amendment, AM7240, 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 1219A.** Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

## REPORTS

The following reports were received by the Legislature:

**Health and Human Services System, Nebraska**
Office of the System Advocate Reports for January and February

**Labor, Department of**
State Labor Area Summary

**Law Enforcement and Criminal Justice, Commission on**
Annual Report

**Roads, Department of**
Board of Public Roads Classifications and Standards Minutes for February

**Supreme Court of Nebraska**
Nebraska Probation System Report

## GENERAL FILE

**LEGISLATIVE BILL 1209.** Title read. Considered.

The Standing Committee amendment, AM4002, printed separately and referred to on page 1254, was considered.

Messrs. Lynch and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Bruning and Schrock withdrew their amendments, AM3987 and AM3989, found on pages 1229 and 1230.

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

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:
AM4234

(Amendments to Standing Committee amendments, AM4002)

1. On page 1, line 20, after "methods" insert "for specific sites"; and in line 21 strike "or control odor where appropriate".

2. On page 2, strike beginning with "Construct" in line 1 through "(4)" in line 8; in line 9 strike "(5)" and insert "(4)"; in line 11 strike "(6)" and insert "(5)"; in line 15 strike "(7)" and insert "(6)"; in line 18 strike "(8)" and insert "(7)"; and in line 27 strike "(9)" and insert "(8)".

3. On page 3, line 7, strike "(10)" and insert "(9)"; in line 8 strike "receives" and insert "applies for"; in line 10 strike "(11)" and insert "(10)"; in line 11 strike "and" and insert:

"(11) Prior pending application means an application for a livestock waste control facility received by the department prior to the effective date of this act; and"; and strike lines 16 and 17 and insert "management task force to work with the department to conduct the study as required by subsection (2) of section 8 of this act. Task force members shall include:".

4. On page 4, after line 5 insert "The task force shall cease to exist on December 1, 1998."; strike lines 6 through 11; in

line 12 strike beginning with "No" in line 12 through the period in line 16 and insert "When there is a potential for discharge into waters of the state, as determined by the department:

(1) No person shall construct a livestock waste control facility without first obtaining a construction permit from the department; and

(2) No person shall operate a livestock waste control facility without an operating permit or interim use authorization from the department."; in line 23 strike "(1)" and insert "(a)"; and in line 25 strike "(2)" and insert "(b)".

5. On page 5, line 1, strike "(3)" and insert "(c)"; in line 4 strike "(4)" and insert "(d)"; strike lines 7 through 10 and insert "section 4 of this act may begin construction of the proposed livestock operation after the person acknowledges on a form provided by the department that a permit may"; and strike beginning with "register" in line 14 through line 27 and insert "request the department to inspect such person's livestock operation on forms prescribed by the department to determine if a livestock waste control facility is required. If an inspection is requested prior to January 1, 1999, an inspection fee for such inspection shall not be assessed. For inspections requested on or after January 1, 1999, there shall be an inspection fee of fifty dollars for a class I or class II livestock waste control facility and an inspection fee of five hundred dollars for a class III or class IV livestock waste control facility.".

6. On page 6, strike beginning with line 1 through "person" in line 2 and insert "A person who requests an inspection prior to January 1, 2000".

7. On page 7, line 5, strike "Any" and insert "On or after July 1, 1998, any"; strike beginning with "or" in line 6 through "permit" in line 7; in line 14 strike beginning with "There" through the period; in line 19 strike "with the advice of" and insert "in conjunction with"; in line 20 strike "committee" and insert "task force"; in line 21 strike the first "to" and insert "which may"; in line 23 after the comma insert "if implemented,"; in line 24 strike "created under the act"; and in line 25 after the period insert "Such study shall also include the feasibility of requiring financial assurance requirements for class III and class IV livestock waste control facilities and the creation of an indemnification fund and best management practices and technologies for odor management or abatement and where such practices are appropriate.".

8. On page 8, line 24, after "permit" insert ", including a prior pending application for a permit,".

9. On page 9, line 10, strike "under" and insert "due to a violation of"; and in line 17, strike "notarized" and insert "sworn under oath".

10. On page 10, strike beginning with "extended" in line 2 through "delay" in line 3 and insert "reasonably extended by the

department due to adverse weather conditions or an act of God"; strike beginning with "The" in line 18 through "thirty" in line 22 and insert "The natural resources district or districts shall have twenty"; and strike lines 26 and 27 and insert "district may request the department for a twenty-day extension of the comment period.

(3) The department shall notify the county board or boards when an application for a livestock waste control facility has been submitted to the department.

(4) Upon initial receipt of the permit application, the department has thirty days to conduct a preliminary review of the application and to formally request in writing additional information or to acknowledge that the application is complete. Within sixty days after receipt of a completed permit application, the department shall transmit its written findings, conclusions, and reasons for approval or disapproval to the applicant.

(5) The department shall provide for".

11. On page 11, line 26, after the second "construction" insert "of a livestock waste control facility".

12. On page 12, strike line 10 and insert

"(iv) Monitoring of surface or ground water by the permittee which may be necessary as determined by the department where a significant risk to waters of the state exists;"; strike beginning with "A" in line 17 through "(c)" in line 19; in line 22 strike "(d)" and insert "(c)"; in line 23 strike "odor and"; in line 26 strike "(e)" and insert "(d)"; and in line 27 after the semicolon insert "and".

13. On page 13, strike beginning with line 1 through "(g)" in line 4 and insert "(e)".

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schellpeper asked unanimous consent to replace his pending amendment, AM4234, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Schellpeper withdrew his amendment, AM4234, found in this day's Journal.

Messrs. Schellpeper and Beutler offered the following substitute amendment to the Standing Committee amendment:
AM4246

(Amendments to Standing Committee amendments, AM4002)

1. On page 1, line 20, after "methods" insert "for specific sites".

2. On page 2, strike beginning with "Construct" in line 1 through "(4)" in line 8; in line 9 strike "(5)" and insert "(4)"; in line 11 strike "(6)" and insert "(5)"; in line 15 strike "(7)"

and insert "(6)"; in line 18 strike "(8)" and insert "(7)"; and in line 27 strike "(9)" and insert "(8)".

3. On page 3, line 7, strike "(10)" and insert "(9)"; in line 8 strike "receives" and insert "applies for"; in line 10 strike "(11)" and insert "(10)"; in line 11 strike "and" and insert:

"(11) Prior pending application means an application for a livestock waste control facility received by the department prior to the effective date of this act; and"; and strike lines 16 and 17 and insert "management task force to work with the department to conduct the study as required by subsection (2) of section 8 of this act. Task force members shall include:".

4. On page 4, after line 5 insert "The task force shall cease to exist on December 1, 1998."; strike lines 6 through 11; in line 12 strike beginning with "No" in line 12 through the period in line 16 and insert "When there is a potential for discharge into waters of the state, as determined by the department:

(1) No person shall construct a livestock waste control facility without first obtaining a construction permit from the department; and

(2) No person shall operate a livestock waste control facility without an operating permit or interim use authorization from the department."; in line 23 strike "(1)" and insert "(a)"; and in line 25 strike "(2)" and insert "(b)".

5. On page 5, line 1, strike "(3)" and insert "(c)"; in line 4 strike "(4)" and insert "(d)"; strike lines 7 through 10 and insert "section 4 of this act may begin construction of the proposed livestock operation after the person acknowledges on a form provided by the department that a permit may"; and strike beginning with "register" in line 14 through line 27 and insert "request the department to inspect such person's livestock operation on forms prescribed by the department to determine if a livestock waste control facility is required. If an inspection is requested prior to January 1, 1999, an inspection fee for such inspection shall not be assessed. For inspections requested on or after January 1, 1999, there shall be an inspection fee of fifty dollars for a class I or class II livestock waste control facility and an inspection fee of five hundred dollars for a class III or class IV livestock waste control facility.".

6. On page 6, strike beginning with line 1 through "person" in line 2 and insert "A person who requests an inspection prior to January 1, 2000".

7. On page 7, line 5, strike "Any" and insert "On or after June 1, 1998, any"; strike beginning with "or" in line 6 through "permit" in line 7; in line 14 strike beginning with "There" through the period; in line 19 strike "with the advice of" and insert "in conjunction with"; in line 20 strike "committee" and insert "task force"; in line 21 strike the first "to" and insert "which may"; in line 23 after the comma insert "if implemented.";

in line 24 strike "created under the act"; and in line 25 after the period insert "Such study shall also include best management practices for odor control and the feasibility of requiring financial assurance requirements for class III and class IV livestock waste control facilities and the creation of an indemnification fund.".

8. On page 8, line 24, after "permit" insert ", including a prior pending application for a permit,".

9. On page 9, line 10, strike "under" and insert "due to a violation of"; and in line 17, strike "notarized" and insert "sworn under oath".

10. On page 10, strike beginning with "extended" in line 2 through "delay" in line 3 and insert "reasonably extended by the department due to adverse weather conditions or an act of God"; strike beginning with "The" in line 18 through "thirty" in line 22 and insert "The natural resources district or districts shall have twenty"; and strike lines 26 and 27 and insert "district may request the department for a twenty-day extension of the comment period.

(3) The department shall notify the county board or boards when an application for a livestock waste control facility has been submitted to the department.

(4) Upon initial receipt of the permit application, the department has thirty days to conduct a preliminary review of the application and to formally request in writing additional information or to acknowledge that the application is complete. Within sixty days after receipt of a completed permit application, the department shall transmit its written findings, conclusions, and reasons for approval or disapproval to the applicant.

(5) The department shall provide for".

11. On page 11, line 26, after the second "construction" insert "of a livestock waste control facility".

12. On page 12, strike line 10 and insert

"(iv) Monitoring of surface or ground water by the permittee which may be necessary as determined by the department where a significant risk to waters of the state exists;"; strike beginning with "A" in line 17 through "(c)" in line 19; in line 22 strike "(d)" and insert "(c)"; in line 23 strike "odor and"; in line 25 after "phosphorous" insert "and best management practices for control of odor which shall sunset July 1, 1999"; in line 26 strike "(e)" and insert "(d)"; and in line 27 after the semicolon insert "and".

13. On page 13, strike beginning with line 1 through "(g)" in line 4 and insert "(e)".

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 26

ayes, 0 nays, and 23 not voting.

Mr. Schellpeper requested a roll call vote on the Schellpeper-Beutler amendment.

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Kiel | Preister | Thompson |
| Beutler | Engel | Kristensen | Raikes | Tyson |
| Bohlke | Hartnett | Landis | Robak | Vrtiska |
| Bromm | Hilgert | Matzke | Robinson | Wehrbein |
| Brown | Hillman | Maurstad | Schellpeper | Wesely |
| Bruning | Hudkins | Pedersen, Dw. | Schrock | Wickersham |
| Crosby | Jensen | Pederson, D. | Stuhr | Will |
| Cudaback | Jones | Peterson, C. | | |

Voting in the negative, 1:

Chambers

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Coordsen | Schimek | Suttle | Willhoft | Witek |
| Dierks | Schmitt | | | |

Excused and not voting, 3:

| | | |
|---|---|---|
| Brashear | Janssen | Lynch |

The Schellpeper-Beutler amendment was adopted with 38 ayes, 1 nay, 7 present and not voting, and 3 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.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1063A.** Placed on Select File.
**LEGISLATIVE BILL 1162A.** Placed on Select File.

**LEGISLATIVE BILL 1158.** Placed on Select File as amended.

E & R amendment to LB 1158:
AM7241

1. On page 1, line 1, strike "appropriations" and insert "the Commission on Uniform State Laws"; and in line 4 strike "Commission" through "Laws" and insert "commission".

**LEGISLATIVE BILL 532.** Placed on Select File as amended.
E & R amendment to LB 532:
AM7242

1. In the Standing Committee amendments, AM3338, on page 2, lines 11, 21, and 26; page 5, lines 1, 11, and 16; page 7, line 18; and page 8, lines 1 and 6, strike "and".

2. On page 1, strike beginning with "79-901" in line 1 through the first semicolon in line 5 and insert "24-701.01, 79-901, and 81-2014.01, Revised Statutes Supplement, 1997; to provide a supplemental retirement benefit for certain eligible retirees; to define terms;".

(Signed) Jon C. Bruning, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1070A.** Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 389, sections 255 and 259; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1070, Ninety-fifth Legislature, Second Session, 1998; to repeal the original sections; and to declare an emergency.

## NOTICE OF COMMITTEE HEARING
### General Affairs

Monday, April 6, 1998 1:00 p.m.
Nebraska State Electrical Board
Joseph Pinhero
William King

Nebraska Advisory Commission on Compulsive Gambling
Frank McGill
Susan Parascand
Jerry Bauerkemper
Dianne Streeks

Nebraska Arts Council
Terrence Ferguson

(Signed) Stan Schellpeper, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Bruning filed the following amendment to LB 1193:
AM4231

1. Insert the following new sections:

"Sec. 5. Section 30-2323, Reissue Revised Statutes of Nebraska, is amended to read:

30-2323. In addition to the homestead allowance, the surviving spouse of a decedent who was domiciled in this state is entitled from the estate to value not exceeding five thousand dollars in excess of any security interests therein in household furniture, automobiles, furnishings, appliances, and personal effects. If there is no surviving spouse, minor and dependent children of the decedent are entitled jointly to the same value. If encumbered chattels are selected and if the value in excess of security interests, plus that of other exempt property, is less than five thousand dollars, or if there is not five thousand dollars worth of exempt property in the estate, the spouse or children are entitled to other assets of the estate, if any, to the extent necessary to make up the five thousand dollars value. Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate except for costs and expenses of administration, and except that the right to any assets to make up a deficiency of exempt property shall abate as necessary to permit prior payment of homestead allowance and family allowance. These rights are in addition to any benefit or share passing to the surviving spouse or children by the will of the decedent unless otherwise provided therein, by intestate succession, or by way of elective share.

Sec. 6. Original section 30-2323, Reissue Revised Statutes of Nebraska, is repealed.".

Mr. Schellpeper filed the following amendment to LB 1086:
AM4229

(Amendments to Standing Committee amendments, AM3394)

1. Strike sections 1, 3, and 6 and insert the following new sections:

"Sec. 4. Original sections 2-1208 and 2-1211, Reissue Revised Statutes of Nebraska, and section 2-1203.02, Revised Statutes Supplement, 1996, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 5, line 2, strike "six-tenths" and insert "four-tenths".

3. Renumber the remaining sections accordingly.

Mr. Vrtiska filed the following amendment to LB 59:
AM4244

(Amendments to E & R amendments, AM7239)

1. On page 10, after line 1, insert the following new paragraph:

"(c) No later than one year after the effective date of this Compact, the State of Missouri shall pay to the State of Nebraska an amount equal to ten times the annual tax assessments of all lands ceded to the State of Missouri pursuant to this Compact, based upon 1998 tax assessments, for the use and benefit of the impacted Nebraska taxing entities.".

Messrs. Maurstad, Brashear, and Mrs. Brown filed the following amendment to LB 218:
(Amendment, AM4189, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wehrbein filed the following amendment to LB 1154A:
AM4237

1. Strike the original section and insert the following new sections:

"Section 1. Laws 1997, LB 389, section 217, is amended to read:

Sec. 217. AGENCY NO. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 600 - Administration

| | FY1997-98 | FY1998-99 |
|---|---|---|
| ~~GENERAL FUND~~ | ~~1,992,404~~ | ~~1,995,384~~ |
| ~~CASH FUND~~ | ~~290,918~~ | ~~283,329~~ |
| ~~FEDERAL FUND est.~~ | ~~164,434~~ | ~~152,927~~ |
| ~~PROGRAM TOTAL~~ | ~~2,447,756~~ | ~~2,431,640~~ |
| ~~SALARY LIMIT~~ | ~~1,070,534~~ | ~~1,070,534~~ |
| GENERAL FUND | 1,992,404 | 2,120,384 |
| CASH FUND | 290,918 | 283,329 |
| FEDERAL FUND est. | 164,434 | 152,927 |
| PROGRAM TOTAL | 2,447,756 | 2,556,640 |
| SALARY LIMIT | 1,062,534 | 1,061,934 |

The unexpended Cash Fund balance existing in this program on June 30, 1997, is hereby reappropriated.

There is included in the appropriation to this program for FY1997-98 $500,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1998-99 $500,000 General Funds for state aid, which shall only be used for such purpose.

Sec. 2. Original Laws 1997, LB 389, section 217, is repealed.

Sec. 3. The following section is outright repealed: Laws 1997, LB 389, section 217, as amended by section 143, Legislative Bill 1108, Ninety-fifth Legislature, Second Session, 1998.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

## GENERAL FILE

**LEGISLATIVE BILL 1209.** Mr. Schellpeper withdrew his amendment, AM4034, printed separately and referred to on page 1246.

Messrs. Bruning and Schrock withdrew their amendment, AM4032, found on page 1246.

Messrs. Bruning and Schrock renewed their pending amendment, AM4031, found on page 1246.

**SPEAKER KRISTENSEN PRESIDING**

Mmes. C. Peterson, Hillman, and Thompson asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Bruning and Schrock withdrew their amendment.

Mr. Elmer withdrew the Elmer et al. amendment, AM4048, found on page 1254.

Mr. Bruning withdrew his amendment, AM4042, found on page 1254.

Mrs. Robak asked unanimous consent to replace her pending amendment, AM4132, found on page 1396, with a substitute amendment. No objections. So ordered.

Mrs. Robak withdrew her amendment, AM4132, found on page 1396.

Mrs. Robak offered the following substitute amendment:
AM4228

(Amendments to Standing Committee amendments, AM4002)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) The Agricultural Environmental Task Force is created.

(2) The Governor shall appoint members of the task force from representatives of the cattle industry, the swine industry, the poultry industry, and environmental interests. No member shall be a state agency director.

(3) Applications for appointment to the task force shall be submitted to the Governor by July 1, 1998. Appointments to the task force shall be made no later than August 1, 1998.

(4) The task force may gather information from interested parties through public hearings and other appropriate means to assure ample opportunities for outside input to be received for consideration. The task force shall complete its work and issue a final report outlining its findings and recommendations to the Governor and Legislature by December 1, 1998.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Robak amendment lost with 2 ayes, 14 nays, 25 present and not voting, and 8 excused and not voting.

Mrs. Bohlke offered the following amendment:
AM4223

(Amendments to Standing Committee amendments, AM4002)

1. Insert the following new sections:

"Sec. 15. Section 28-1305, Reissue Revised Statutes of Nebraska, is amended to read:

28-1305. Whoever shall put the carcass of any dead animal, the offals from any slaughter house, butcher's establishment, packing house, or fish house, any spoiled meats, spoiled fish, or putrid animal substance, or the contents of any privy vault upon or into any river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space, or common, or whoever, being the owner or owners or occupant or occupants thereof, shall knowingly permit the same to remain in any of the aforesaid situations, to the annoyance of the citizens of this state, or any of them, or shall neglect or refuse to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence of such nuisance upon any of the above-described premises owned or occupied by him, her, or them, or after notice thereof in writing from the street commissioner, supervisor, or any trustee or health officer of any city or precinct in which such nuisance shall exist, shall be guilty of a Class ~~V~~ II misdemeanor. If the nuisance is not abated within twenty-four hours thereafter, it shall be deemed a second offense against the provisions of this section, and every like neglect of each twenty-four hours thereafter shall be considered an additional offense.

Sec. 17. Section 54-744, Reissue Revised Statutes of Nebraska, is amended to read:

54-744. (1) Except as set out in subsection (2) of this section, it shall be the duty of the owner or custodian of any animal which dies from and on account of any infectious, contagious, or otherwise transmissible disease to cause such animal, within thirty-six hours after receiving knowledge of the death of such animal, to be buried at least four feet below the surface of the ground or to be completely burned on the premises where such animal dies unless the animal is disposed of to a duly licensed rendering establishment in this state. Such animal shall not be moved or transported from the premises where such animal has died except by the authorized agents and employees of the rendering establishment to which such carcass is disposed. Any animal which dies of disease or is found dead shall be presumed to have died from and on account of an infectious, contagious, or otherwise

transmissible disease.

(2) Chicken and turkey carcasses may be incorporated into a composting facility on the premises where the chickens or turkeys died and shall remain in such compost facility until completely composted before spreading on land.

(3) Any person violating the provisions of this section shall be guilty of a Class II misdemeanor.".

2. On page 65, line 20, after "sections" insert "28-1305, 54-744,".

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Coordsen and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper offered the following amendment to the Bohlke pending amendment:
FA668
Amend AM4223
Strike Class II misdemeanor
Insert Class IV misdemeanor wherever it appears.

Mr. Schellpeper withdrew his amendment.

Mrs. Bohlke withdrew her amendment, AM4223.

Mr. Dierks offered the following amendment:
FA667
Amend AM4002
On page 8, line 24, after the first "a" insert "construction or operating"

The Dierks amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

## ATTORNEY GENERAL'S OPINION

Opinion No. 98021

| | |
|---|---|
| SUBJECT: | Constitutionality of Amendment Prohibiting Use of Public Trust Funds to Award Grants to Entities Providing Abortion-Related Services |
| REQUESTED BY: | Senator Don Wesely<br>Senator Jim Jensen |
| DATE: | March 30, 1998 |

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

This opinion addresses separate but essentially identical requests submitted by Senator Wesely and Senator Jensen concerning the constitutionality of a proposed amendment prohibiting the distribution of certain trust funds to persons or entities which provide abortion-related services. It also addresses a third opinion request from Senator Jensen as to the broader issue of what restrictions a state can constitutionally place on funding to entities that perform or facilitate the performance of abortions.

The proposed amendment would amend AM 3434 to LB 1070 so as to provide that "no funds shall be used under this section to award grants to any person or entity which provides, facilitates, or counsels or refers for abortions."

As indicated in Senator Wesely's request, the issue of the validity of similar provisions has arisen previously in other jurisdictions. Although the issue is complicated and fraught with controversy, a considerable amount of guidance is available from these decisions.

Senator Wesely's opinion request quotes from a federal court's opinion in the case of ***Kivlahan v. Planned Parenthood of Mid-Missouri and Eastern Kansas, Inc.***, Case No. 96-4186-CV-C-2 (W.D. Mo. 1996). Our research reveals that ***Kivlahan*** is an unpublished opinion, and is not even available through normal legal research sources. The decision was not reviewed by an appellate court. Pursuant to the rules of the United States Court of Appeals for the Eighth Circuit, such opinions "are not precedent and parties generally should not cite them." Eighth Cir. R. 28A(k). Consequently, ***Kivlahan*** is of no precedential value in Nebraska.

Notwithstanding the status of the ***Kivlahan*** decision, we have reviewed the opinion to examine its logic and application of precedent. ***Kivlahan*** is lacking in both areas. The court in ***Kivlahan*** acknowledged that Missouri's restrictions on the use of family planning funds need only be rationally related to a legitimate governmental purpose to survive an equal protection challenge. ***Id.*** at 5. The court further acknowledged that Missouri has a stated public policy of not promoting or encouraging abortions, ***id.***, and that "the State of Missouri has no positive obligation to fund or subsidize certain activities, including abortions." ***Id.*** at 6. However, the court then proceeded to engage in emotional rhetoric supported only by a logical non sequitur.

The opinion relies on factually unsupported leaps of logic to reach the conclusion that Missouri's funding restrictions were nothing more than a means to punish a disfavored group. The court then (correctly) stated that, "the government may not punish an entity by refusing to contract with it because that entity's agenda may be politically unpopular." ***Id.*** The court further concluded that it could find "no rational basis for the distinction between Planned Parenthood and the other eligible recipients for the state

appropriated family-planning funds." ***Id.*** The court's inability to identify a rational basis for the distinction contrasts starkly with the United States Supreme Court's clear holding that "the State has an interest in protecting the life of the unborn," and that the States may actively promote natural childbirth over abortion. ***Planned Parenthood of Southeastern Pennsylvania v. Casey***, 505 U.S. 833, 1125 S.Ct. 2791, 2818 (1992).

Most striking of all, however, was the absence from the ***Kivlahan*** decision of any citation, reference or discussion of the leading case in this area of law, ***Rust v. Sullivan***, 500 U.S. 173, 111 S.Ct. 1759 (1991).[1] In ***Rust***, the U.S. Supreme Court upheld federal funding restrictions which prohibited Title X fund recipients from engaging in abortion counseling, referral, and activities advocating abortion as a method of family planning. The funding restrictions in ***Rust*** provided that "'[n]one of the funds appropriated under this subchapter shall be used in programs where abortion is a method of family planning.'" ***Rust***, 111 S.Ct. at 1764 (quoting Section 1008 of the Public Health Service Act).

Federal regulations promulgated to implement the law prohibited Title X fund recipients "from engaging in activities that 'encourage, promote or advocate abortion as a method of family planning.' " ***Id.*** at 1765 (quoting § 59.10(a)). Under the regulations, "forbidden activities include lobbying for legislation that would increase the availability of abortion as a method of family planning, developing or disseminating materials advocating abortion as a method of family planning, providing speakers to promote abortion..., using legal action to make abortion available...and paying dues to any group that advocates abortion as a method of family planning..." ***Id.***

Most significantly, the regulations also required that Title X projects "be organized so that they are physically and financially separate from prohibited abortion activities.' " ***Id.*** at 1766 (quoting § 59.9) (emphasis added). Title X funding recipients were required to "have an objective integrity and independence from prohibited activities." ***Id.*** "Mere bookkeeping separation of Title X funds from other monies is not sufficient." ***Id.*** Among factors in determining objective integrity and independence were separate personnel and degree of physical separation of the project from facilities for prohibited activities." ***Id.*** (emphasis added).

In contrast to the federal judge's opinion in ***Kivlahan***, the Supreme Court in ***Rust*** concluded, "There is no question but that the statutory prohibition .

[1]Interestingly, ten Missouri state legislators attempted to intervene in the case to defend the funding restrictions, but were denied standing. ***Planned Parenthood of Mid-Missouri and Eastern Kansas, Inc. v. Ehlman***, ___ F.3d ___, 1998 WL 75547 (8th Cir. 1998). The legislators contended "the Missouri Attorney General colluded with Planned Parenthood by not arguing the constitutionality of [the law] under ***Rust v. Sullivan***. . . ." ***Id.*** n.4 (emphasis added).

. . is constitutional. In ***Maher v. Roe***, . . . [w]e held that the government may 'make a value judgment favoring childbirth over abortion, and . . . implement that judgment by the allocation of public funds.' " ***Rust v. Sullivan***, 111 S.Ct. at 1772 (quoting ***Maher v. Roe***, 97 S.Ct. at 2382)) (emphasis added). The Supreme Court also discussed the ability of States to make funding decisions consistent with legislative policy and stated, "There is a basic difference between direct state interference with a protected activity and state encouragement of an alternative activity consonant with legislative policy." ***Id.*** at 1772 (quoting ***Maher***, 97 S.Ct. at 2383)).

We note that the plaintiff in ***Kivlahan***, Planned Parenthood, also claimed that the state's funding restrictions violated its First Amendment speech rights. ***Kivlahan*** at 2. Although the ***Kivlahan*** court ruled only on the Fourteenth Amendment equal protection challenge, it did so using language sounding in First Amendment terms: "[T]he State of Missouri may not deny a benefit to an entity on a basis of its politically unpopular beliefs." ***Id.*** at 6. While true in a general sense, in this context the court's statement represents a mischaracterization of funding judgments by state legislatures. In ***Rust v. Sullivan***, the petitioners also contended that the federal regulations violated the First Amendment by impermissibly discriminating based on viewpoint. ***Rust***, 111 S.Ct. at 1771-1772. However, the Supreme Court flatly rejected this argument, stating, "The Government can, without violating the Constitution, selectively fund a program to encourage certain activities it believes to be in the public interest, without at the same time, funding an alternative program which seeks to deal with the problem in another way. In so doing, the Government has not discriminated on the basis of viewpoint, it has merely chosen to fund one activity to the exclusion of the other." ***Id.*** at 1772.

Although the unpublished ***Kivlahan*** decision is fraught with error, and although the U.S. Supreme Court's decision in ***Rust v. Sullivan*** upheld the ability of the government to require separation between eligible program activities and abortion-related services, it must be made clear that the States are not free to ban grant applications from persons or entities based on their viewpoint or their exercise of constitutionally protected activity. Funding bans must be based on the legitimate interests of the state in separating state funding of legislatively approved programs from the direct or indirect funding of other activities such as abortion.

As to the particular amendment in question here, we note that some pre-***Rust v. Sullivan*** cases would seem to call the particular wording of the proposed amendment into question. ***See Planned Parenthood Central and Northern Arizona v. State of Arizona***, 789 F.2d 1348 (9th Cir. 1986), ***aff'd without opinion sub nom. Babbitt v. Planned Parenthood***, 479 U.S. 925, 107 S.Ct. 391 (1986). ***See also*** Op. Att'y Gen. No. 90025 (March 28, 1990). However, the proposed amendment would appear to be in a much stronger position in light of the ***Rust*** decision. For example, in contrast to the ***Arizona*** decision, the Court in ***Rust*** did not seem to utilize a least restrictive means test in analyzing the funding restrictions, and even the ***Kivlahan*** court

applied only a rational basis analysis.

Although the proposed amendment differs in form from the federal restriction considered in ***Rust***, it seems to have the same purpose and effect. As in ***Rust***, "we have here not the case of a general law singling out a disfavored group on the basis of speech content, but a case of Government refusing to fund activities, including speech, which are specifically excluded from the scope of the project funded." ***Id.*** at 1773. As in ***Rust***, the proposed amendment seeks to prevent indirect funding of programs that are outside of, and contrary to, official state policy.

The refusal of the government to provide funding to groups that are engaging in activities contrary to government policy was discussed at some length in ***Rust***:

> The regulations govern the scope of the Title X project's activities, and leave the grantee unfettered in its other activities. The Title X grantee can continue to perform abortions, provide abortion-related services, and engage in abortion advocacy; it simply is required to conduct those activities through programs that are separate and independent from the project that receives Title X funds.

***Id.*** at 1774. Under the proposed amendment, the funding restrictions would still permit an abortion proponent to create an affiliate which would be eligible to receive funds. ***See Rust***, 111 S.Ct. at 1775 ("a charitable organization could create . . . an affiliate to conduct its nonlobbying activities using tax deductible contributions, and at the same time establish . . . a separate affiliate to pursue its lobbying efforts without such contributions."). As the Supreme Court stated in ***Rust***,

> By requiring that the Title X grantee engage in abortion-related activity separately from activity receiving federal funding, Congress has . . . not denied it the right to engage in abortion-related activities. Congress has merely refused to fund such activities out of the public fisc, and the Secretary has simply required a certain degree of separation from the Title X project in order to ensure the integrity of the federally funded program.

***Id.***

In sum, in our opinion, the proposed amendment prohibiting grants "to any person or entity which provides, facilitates, or counsels or refers for abortions" is constitutional. A State may enact funding restrictions which ensure that public funds are not directly or indirectly subsidizing abortion. A state may require strict separation of the activities of an ineligible entity from those of an eligible affiliate. For example, in ***Rust*** the federal government required separation of finances and facilities so as to ensure no federal funds indirectly subsidized abortion. The State can require that eligible recipients have facilities and finances that are completely and

objectively separate and independent from abortion-related services so as to avoid indirect subsidization, and also to avoid the appearance of government support for abortion related activity which would be counterproductive to the State's judicially recognized legitimate interest in promoting childbirth over abortion. The State need not allow trust fund recipients to use public funds to channel new clients into facilities where abortions, abortion counseling, abortion referrals or abortion promotion take place. As the Supreme Court stated in ***Webster v. Reproductive Health Services***, "the State need not commit any resources to facilitating abortions." 492 U.S. 490, 509 (1989).

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

3-3271-3

**AMENDMENT - Print in Journal**

Mr. Dierks filed the following amendment to LB 1209:
AM4232

(Amendments to Standing Committee amendments, AM4002)

1. On page 5, strike beginning with "For" in line 17 through the period in line 25.

2. On page 7, strike beginning with "three" in line 9 through the comma in line 10; and strike beginning with "The" in line 19 through line 27 and insert "The department shall establish inspection or operation fees to be charged to livestock waste control facilities requiring permits under the Livestock Waste Management Act. For the first year of the administration of the act, such inspection fees shall not exceed thirty dollars for a class I livestock waste control facility, two hundred fifty dollars for a class II livestock waste control facility, one thousand two hundred fifty dollars for a class III livestock waste control facility, and three thousand five hundred dollars for a class IV livestock waste control facility. In subsequent years, the inspection fees shall be determined, by class size, according to the following formula: Total costs of administering and enforcing the act minus General Fund appropriations and any other available funding sources. The difference is then divided by the total number of animal units on facilities requiring permits under section 4 of this act. The resulting figure is then multiplied by the average animal units per facility within each class.".

**SELECT FILE**

**LEGISLATIVE BILL 1073.** The Chambers pending amendment, FA666, found on page 1516, to the Brashear et al. pending amendment, AM4227, found on page 1513, was renewed.

Messrs. Landis and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Chambers | Jensen | Matzke | Peterson, C. | Suttle |
| Crosby | Kiel | Pedersen, Dw. | Schimek | Thompson |
| Cudaback | Kristensen | Pederson, D. | Schmitt | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Bruning | Dierks | Will | Witek |
| Brashear | | | | |

Present and not voting, 23:

| | | | | |
|---|---|---|---|---|
| Bohlke | Engel | Preister | Schrock | Wehrbein |
| Bromm | Hilgert | Raikes | Stuhr | Wesely |
| Brown | Hillman | Robak | Tyson | Wickersham |
| Coordsen | Hudkins | Robinson | Vrtiska | Willhoft |
| Elmer | Jones | Schellpeper | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Landis | Lynch | Maurstad |
| Hartnett | | | | |

The Chambers amendment lost with 14 ayes, 6 nays, 23 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke and Mr. Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Brashear asked unanimous consent to withdraw the Brashear et al. amendment, AM4227, found on page 1513. No objections. So ordered.

Mr. Wesely offered the following amendment:
FA669
Strike AM4153 (Elmer amendment)

The Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1073A.** E & R amendment, AM7233, found on page 1240, was adopted.

Mr. Wesely renewed his pending amendment, AM4174, found on page 1482.

The Wesely amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 922.** The Robak-Tyson pending amendment, AM3628, found on page 999 and considered on page 1447, was renewed.

Mr. Vrtiska offered the following amendment to the Robak-Tyson pending amendment:
FA654
Amend AM3628
on pg 1, line 2, strike "twenty" and insert "forty"

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

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Vrtiska 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 the Vrtiska amendment.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Bruning | Hilgert | Peterson, C. | Suttle | Will |
| Cudaback | Hudkins | Raikes | Tyson | Willhoft |
| Dierks | Matzke | Robak | Vrtiska | Witek |
| Elmer | Pederson, D. | Schmitt | Wehrbein | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Kiel | Preister | Stuhr |
| Bromm | Hillman | Kristensen | Schimek | Wesely |
| Brown | Jensen | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Jones | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Brashear | Engel | Schellpeper | Thompson |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Janssen | Lynch | Robinson |
| Bohlke | Hartnett | Landis | Maurstad | |

The Vrtiska amendment lost with 19 ayes, 17 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. Robak and Mr. Tyson withdrew their amendment, AM3628.

Mrs. C. Peterson, Messrs. D. Pederson, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schrock withdrew his amendment, AM3624, found on page 1344.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM4111, found on page 1475, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM4111, found on page 1475.

Messrs. Beutler, Jones, Schmitt, and Schrock renewed their substitute pending amendment, AM4135, found on page 1477.

The Beutler et al. amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler renewed his pending amendment, AM3828, found on page 1476.

Mrs. Hudkins renewed her pending amendment, FA655, found on page 1479, to the Beutler pending amendment.

Mrs. Hudkins withdrew her amendment.

**MR. WESELY PRESIDING**

Messrs. Bruning and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

**PRESIDENT ROBAK PRESIDING**

Mr. Beutler requested a record vote on his amendment, AM3828.

Voting in the affirmative, 9:

| | | | | |
|---|---|---|---|---|
| Beutler | Hillman | Raikes | Schrock | Will |
| Crosby | Preister | Schimek | Wesely | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Chambers | Jones | Stuhr | Tyson | Willhoft |
| Hilgert | Kristensen | Suttle | Wehrbein | Witek |
| Hudkins | Pedersen, Dw. | Thompson | Wickersham | |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Brashear | Dierks | Jensen | Matzke | Schmitt |
| Brown | Elmer | Kiel | Schellpeper | Vrtiska |
| Cudaback | | | | |

Excused and not voting, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Hartnett | Lynch | Peterson, C. |
| Bohlke | Coordsen | Janssen | Maurstad | Robak |
| Bromm | Engel | Landis | Pederson, D. | Robinson |

The Beutler amendment lost with 9 ayes, 14 nays, 11 present and not voting, and 15 excused and not voting.

Mr. Chambers withdrew his amendment, FA653, found on page 1479.

Mr. Chambers withdrew his motion, found on page 1479, to indefinitely postpone.

Messrs. Cudaback, Wickersham, and Beutler renewed their pending amendment, AM4191, found on page 1479.

The Cudaback et al. amendment was adopted with 29 ayes, 0 nays, 5 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 477.** Introduced by D. Pederson, 42.

WHEREAS, on July 4, 1882, the citizens of North Platte, Nebraska, assisted William F. "Buffalo Bill" Cody in producing the "Old Glory Blowout" that featured "Cowboy Fun" at the Isaac Dillion Race Track which exhibited "Cowboys Riding Bucking Broncs and Roping Steers" for prize

monies and was the prelude to "Spectator Rodeo"; and

WHEREAS, Cody formed the Wild West Exhibition and began structuring and rehearsing a portion of the exhibition at North Platte, Nebraska, under Isaac Dillion, and another portion of the exhibition at Columbus, Nebraska, under Frank North; and

WHEREAS, the Wild West Exhibition was presented for the first time at Omaha, Nebraska, before 8,000 paying spectators on May 19, 1883; and

WHEREAS, the Wild West Exhibition traveled to 1,182 cities in the United States, Canada, and parts of Europe, performing before millions of people before Cody's last appearance at Portsmouth, Virginia, on November 11, 1916; and

WHEREAS, on December 18, 1990, the mayor and city council of North Platte, Nebraska, set aside a portion of North Platte's Cody Park for the Wild West Memorial honoring members of the Wild West Exhibition and those cities where Cody performed; and

WHEREAS, the mayor and city council of North Platte, Nebraska, each year have contributed to the development of the Wild West Memorial at Cody Park; and

WHEREAS, this year's contribution is a unique gazebo which will hold a life-size bronze statue of William F. "Buffalo Bill" Cody, which is being given to the United States of America by sculptor Bryan Mickleburgh of Hadleigh, England, on behalf of the people of Great Britain; and

WHEREAS, the statue will become a cherished symbol of our historical heritage to be viewed by the people of the United States of America.

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

1. That the Legislature encourages all Nebraskans to share pride in the Wild West Memorial and urges all citizens to support those who advocate that this memorial become a National Shrine.

Laid over.

**LEGISLATIVE RESOLUTION 478.** Introduced by D. Pederson, 42.

WHEREAS, William F. "Buffalo Bill" Cody and his Wild West Exhibition set sail for Gravesend, England, from Stanton Island, New York, on March 31, 1887; and

WHEREAS, the Wild West Exhibition gave its first performance on May 9, 1887, at Earl's Court in London, England; and

WHEREAS, the Wild West Exhibition completed three hundred performances at Earl's Court, a record never broken; and

WHEREAS, the Wild West Exhibition performed in 169 cities in Great Britain during three tours; and

WHEREAS, William F. "Buffalo Bill" Cody created the greatest amount of good will of any single American to visit Great Britain; and

WHEREAS, Bryan Mickleburgh sculpted a life-size bronze statue of William F. "Buffalo Bill" Cody; and

WHEREAS, Bryan Mickleburgh and certain other British subjects have seen fit to give this statue to the people of the United States on behalf of the

British people in an effort to reignite the good will which existed between our two great countries during the time of Buffalo Bill's Wild West tours of Great Britain; and

WHEREAS, the statue will be unveiled at the United States Embassy in London, England.

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

1. That the Legislature encourages all Nebraskans to observe Great Britain Day in Nebraska on May 9, 1998, and urges all citizens to support those who advocate that this become a National Observance.

Laid over.

## AMENDMENTS - Print in Journal

Messrs. Dierks, Landis, and Wickersham filed the following amendment to LB 1193:

AM4224

1. Insert the following new section:

"Sec. 4. (1) The Secretary of State shall use reports generated under section 76-1517 to assist in the identification of trusts engaged in farming or ranching activity as defined in Article XII, section 8, of the Constitution of Nebraska.

(2) Any corporate trustee failing to report the information required by section 1 of this act or filing false information shall be punished by a fine of not more than five hundred dollars.

(3) Any fines received pursuant to this section shall be remitted to the State Treasurer for credit to the temporary school fund.".

2. On page 2, strike lines 4 and 5 and insert "partnership, or limited liability company or a corporate trustee of a trust shall"; in line 13 strike "participated" and insert "engaged"; and in line 27 strike "participation in a general partnership" and insert "interests held".

3. On page 3, line 1, after "company" insert "in a general partnership holding real estate used for farming or ranching"; and in line 5 after "the" insert "creation or"; and in line 16 strike "may" and insert "shall".

4. On page 4, line 9, strike "trust,"; in lines 12 and 13 strike "an entity" and insert "a corporation, limited partnership, limited liability partnership, or limited liability company"; and in line 26 strike "apply for reinstatement of its existence" and insert "have its existence reinstated".

5. On page 5, line 5, strike "when necessary for the efficient" and insert "for the".

6. Renumber the remaining section accordingly.

Mr. Wickersham filed the following amendment to LB 1175:
AM4207

(Amendments to E & R amendments, AM7236)

1. On page 46, strike beginning with "one" in line 7 through "thereafter" in line 10, show as stricken, and insert ".885 times the maximum levy stated in subdivision (2)(a) of section 77-3442".

2. On page 48, lines 17 and 21, strike "ninety percent of", show as stricken, and insert ".885 times"; and in lines 17 and 22 strike "allowed pursuant to", show as stricken, and insert "stated in".

3. Strike beginning with "determined" on page 56, line 22, through the second period on page 57, line 5, show the old matter as stricken, and insert ".9097 times the maximum levy stated in subdivision (2)(a) of section 77-3442.".

4. On page 64, strike beginning with "based" in line 11 through "Analyst" in line 12 and show as stricken; and strike beginning with "The" in line 14 through the underscored period in line 16 and show the old matter as stricken.

5. On page 71, strike beginning with "from" in line 15 through "year" in line 20, show the old matter as stricken, and insert "from the Tax Equity and Educational Opportunities Support Act necessary to fund the total amount certified by December 1 under section 79-1022".

6. On page 72, strike beginning with "It" in line 18 through "ensure" in line 19, show as stricken, and insert "The Legislature shall provide"; and strike beginning with line 21 through "budgets" in line 25, show as stricken, and insert "fully fund the amount certified the previous December 1 under section 79-1022".

Mr. Wickersham filed the following amendment to LB 1175:
AM4035

(Amendments to E & R amendments, AM7236)

1. On page 17, line 15, strike "and"; and in line 18 after "school" insert

"(d) Prior to the time the initial authority to exceed the maximum levy set forth in section 77-3442 expires, the Class II or III school district has not reorganized through either a merger agreement or by becoming part of a unified school system; and

(e) The Class II or III school district continues to have less than sixty pupils in grades nine through twelve and has voted a second time to exceed the maximum levy set forth in section 77-3442".

Mr. Vrtiska filed the following amendment to LB 1142:
AM4258

(Amendments to AM4214)

1. On page 4, line 24, after the semicolon insert

"(h) Any increase attributable to an equalization order of the Tax Equalization and Review Commission pursuant to section 77-5023;"; and in line 25 strike "(h)" and insert "(i)".

2. On page 5, line 24, after the period insert "The county treasurer shall collect from all taxing agencies within the county, in the same proportion that the levy of each such taxing agency bears to the total of such levies of all taxing agencies in the county, an amount equal to the amount of refunds in the county under this section.".

Mr. Schrock filed the following amendment to LB 1175:
AM4221

(Amendments to E & R amendments, AM7236)

1. On page 41, line 22, strike "and"; and in line 27 after "79-1007.02" insert ", and (d) if a local system did not operate and offer instruction in grades nine through twelve within the boundaries of the local system during the school fiscal year immediately preceding the school fiscal year in which aid is to be paid, the high school students in the local system shall not be considered formula students".

Mrs. Thompson filed the following amendment to LB 1175:
AM4003

(Amendments to E & R amendments, AM7236)

1. Insert the following new section:

"Sec. 5. Section 79-209, Reissue Revised Statutes of Nebraska, is amended to read:

79-209. In all school districts in this state, any superintendent, principal, teacher, or member of the school board or board of education who knows of any violation of section 79-201 on the part of any child of school age, his or her parent, the person in actual or legal control of such child, or any other person shall within three days report such violation to the superintendent of schools in districts having an attendance officer and to the county superintendent of schools in other districts. Such superintendent shall immediately cause an investigation of the case to be made by the attendance officers. When of his or her personal knowledge, by report or complaint from any resident of the district, or by report or complaint as provided in this section, the attendance officer believes that any child is unlawfully absent from school, the attendance officer shall immediately investigate. ~~The~~ All school districts shall have a written policy on excessive absenteeism. The policy shall state the number of absences or the hourly equivalent upon the occurrence of which the school shall render all services in its power to compel such child to attend some public, private, denominational, or parochial school, which the person having control of the child shall designate, in an attempt to remediate the child's truant behavior. The number of absences in the policy shall not exceed five days per quarter or

the hourly equivalent. Such services shall include, but need not be limited to:

(1) One or more meetings between a school attendance officer, school social worker or other person designated by the school administration if such school does not have a school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem, unless the officer or worker has documented the refusal of the parent or guardian to participate in such meetings;

(2) Educational counseling to determine whether curriculum changes, including, but not limited to, enrolling the child in an alternative education program that meets the specific educational and behavioral needs of the child, would help solve the truancy problem;

(3) Educational evaluation, which may include a psychological evaluation, to assist in determining the specific condition, if any, contributing to the truancy problem, supplemented by specific efforts by the school to help remedy any condition diagnosed; and

(4) Investigation of the truancy problem by the school social worker, or if such school does not have a school social worker, by another person designated by the administration, to identify conditions which may be contributing to the truancy problem. If services for the child and his or her family are determined to be needed, the school social worker or other person performing the investigation shall meet with the parent or guardian and the child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truancy problem.

If the child continues to be or becomes habitually truant, the attendance officer shall serve a written notice to the person violating section 79-201, warning him or her to comply with its provisions. If within one week after the time such notice is given such person is still violating the section, the attendance officer shall file a report with the county attorney of the county in which such person resides. All school districts shall have a written policy describing notification of habitual truancy to the county attorney. The number of absences in the policy shall not exceed twenty days cumulative per year or the hourly equivalent. The county attorney may file a complaint against such person before the judge of the county court of the county in which such person resides charging such person with violation of section 79-201. If after such notice has been sent to any person violating such section such person again violates the same section, no written notice shall be required but a complaint may be filed at once.".

2. Amend the operative date and repealer sections so that section 5 added by this amendment becomes operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Wesely filed the following amendment to LB 204:
(Amendment, AM4006, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

## VISITORS

Visitors to the Chamber were 77 sixth grade students and teachers from Calvert Elementary School, Lincoln; Don and Janet Gillan from Denver, Colorado; Clint Eikmeier and Karen Pieper from Dodge, Katie Pokorny and Rachael Wragge from Howells, Samantha Hamernik and Amanda Gall from Clarkson, and Mary Lou Benesch from Schuyler; and Phil Krzycki, Jackie Nickolite, and Lynette Worrell from Schuyler.

The Doctor of the Day was Bill Doering from Franklin.

## ADJOURNMENT

At 7:36 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, March 31, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTY-THIRD DAY – MARCH 31, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 31, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Charles Schmidt, Grace Lutheran Church, Fairbury, Nebraska.

## PRESIDENT ROBAK PRESIDING

## ROLL CALL

The roll was called and all members were present except Mr. Janssen who was excused; and Messrs. Abboud, Brashear, Hartnett, Hilgert, Landis, Matzke, Schmitt, Tyson, Wickersham, Will, Willhoft, Mmes. Bohlke, Kiel, C. Peterson, Robak, and Witek who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

## RESOLUTION

**LEGISLATIVE RESOLUTION 479.** Introduced by Wehrbein, 2; Raikes, 25; Schrock, 38; Stuhr, 24; Dierks, 40; Schellpeper, 18; Jones, 43; Coordsen, 32.

WHEREAS, the University of Nebraska Institute of Agriculture and Natural Resources (IANR) was established by the Legislature in 1973 to replace what had been known since 1909 as the College of Agriculture; and

WHEREAS, the Institute of Agriculture and Natural Resources is the primary provider of research, education, and outreach programs for Nebraska in the areas of food, agriculture, agribusiness, natural resources, environment, and human resources; and

WHEREAS, programs of the Institute of Agriculture and Natural

Resources contribute directly to improving the economic, social, and environmental well-being of all Nebraskans through programs ranging from farm production to parenting and from nutrition to environmental health; and

WHEREAS, the Institute of Agriculture and Natural Resources operates statewide with extension programs in all counties, five district research and extension centers, and strategically located facilities across Nebraska; and

WHEREAS, the Institute of Agriculture and Natural Resources works cooperatively and in partnership with state and federal agencies, the state colleges, community colleges, the private sector, and others; and

WHEREAS, the Institute of Agriculture and Natural Resources provides focus to programs essential for shaping Nebraska as a leader in the twenty-first century in the areas of food, agriculture, agribusiness systems, natural resources, and human resources; and

WHEREAS, the Institute of Agriculture and Natural Resources is dedicated to providing the highest quality programs that are ecologically sound, economically viable, socially responsible, and scientifically appropriate; and

WHEREAS, the Institute of Agriculture and Natural Resources is now celebrating its twenty-fifth anniversary.

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

1. That the State of Nebraska hereby recognizes the many contributions the Institute of Agriculture and Natural Resources has made to economic, social, and environmental well-being of Nebraska during the past twenty-five years.

2. That the Legislature commends the personnel of the Institute of Agriculture and Natural Resources for being responsive and effective in serving Nebraskans throughout the state and encourages the Institute of Agriculture and Natural Resources to continue to provide strong leadership into the twenty-first century.

Laid over.

## MOTIONS - Approve Appointments

Mr. Robinson moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 1457: Jim Allstot, Christine J. Bleich, Steven F. Danon, Kenneth C. Dechant, Allen O. Grell, Fred E. Hlava, Richard L. Klauz, Jerry L. McKenzie, Randy D. Meek, Ken L. Meyer, Florian Paskevic, and John J. Steinauer - State Emergency Response Commission.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Kristensen | Raikes | Stuhr |
| Bromm | Engel | Lynch | Robinson | Suttle |
| Bruning | Hillman | Pedersen, Dw. | Schellpeper | Vrtiska |
| Crosby | Hudkins | Pederson, D. | Schimek | Wehrbein |
| Cudaback | Jensen | Preister | Schrock | Wesely |

Voting in the negative, 0.

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Brown | Coordsen | Jones | Maurstad | Thompson |
| Chambers | Elmer | | | |

Excused and not voting, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Matzke | Schmitt | Will |
| Bohlke | Janssen | Peterson, C. | Tyson | Willhoft |
| Brashear | Kiel | Robak | Wickersham | Witek |
| Hartnett | Landis | | | |

The appointments were confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Robinson moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 1457: Rob Coupland - Nebraska State Personnel Board.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Bruning | Hartnett | Lynch | Raikes | Thompson |
| Crosby | Hillman | Matzke | Robinson | Vrtiska |
| Cudaback | Hudkins | Pedersen, Dw. | Schimek | Wehrbein |
| Dierks | Jensen | Pederson, D. | Schrock | Wesely |
| Engel | Kristensen | Preister | Stuhr | Witek |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Brown | Coordsen | Jones | Schellpeper |
| Bromm | Chambers | Elmer | Maurstad | Suttle |

Excused and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Landis | Schmitt | Will |
| Bohlke | Janssen | Peterson, C. | Tyson | Willhoft |
| Brashear | Kiel | Robak | Wickersham | |

The appointment was confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Ms. Schimek moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 1474: Jeffrey L. Orr - Nebraska Commission of Industrial Relations.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Lynch | Raikes | Thompson |
| Bruning | Hartnett | Matzke | Schellpeper | Vrtiska |
| Crosby | Hillman | Pedersen, Dw. | Schimek | Wehrbein |
| Cudaback | Hudkins | Pederson, D. | Schrock | Wesely |
| Dierks | Jensen | Preister | Stuhr | Witek |

Voting in the negative, 0.

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Chambers | Engel | Kristensen | Robinson |
| Bromm | Coordsen | Jones | Maurstad | Suttle |
| Brown | | | | |

Excused and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Bohlke | Janssen | Peterson, C. | Tyson | Will |
| Brashear | Kiel | Robak | Wickersham | Willhoft |
| Hilgert | Landis | Schmitt | | |

The appointment was confirmed with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 1154A.** Title read. Considered.

Mr. Kristensen renewed his pending motion, found on page 1524, to suspend the rules, Rule 5, Section 6(f) and (g) to permit consideration of LB 1154A, without considering LB 1154.

The Kristensen motion to suspend the rules prevailed with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Wehrbein renewed his pending amendment, AM4237, found on page 1533.

The Wehrbein amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

## WITHDRAW - Amendments to LB 204

Mr. Will withdrew his amendments, AM3644 and AM3915, found on pages 1008 and 1293, to LB 204.

## MOTION - Return LB 204 to Select File

Mr. Wesely moved to return LB 204 to Select File for his specific amendment, AM4006, printed separately and referred to on page 1551.

Messrs. Schmitt, Lynch, and Mrs. Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely withdrew his motion to return.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 204.**

A BILL FOR AN ACT relating to sex offenders; to amend sections 29-4007, 29-4009, and 29-4013, Revised Statutes Supplement, 1996; to provide for community notification of certain records; to authorize disclosure of certain information; to provide duties for the Department of Motor Vehicles and the Nebraska State Patrol; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kiel | Preister | Thompson |
| Beutler | Engel | Kristensen | Raikes | Tyson |
| Bohlke | Hartnett | Landis | Robak | Vrtiska |
| Brashear | Hilgert | Matzke | Robinson | Wehrbein |
| Bromm | Hillman | Maurstad | Schellpeper | Wesely |
| Brown | Hudkins | Pedersen, Dw. | Schimek | Wickersham |
| Bruning | Jensen | Pederson, D. | Schrock | Willhoft |
| Crosby | Jones | Peterson, C. | Stuhr | Witek |
| Cudaback | | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Coordsen Elmer

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Janssen | Lynch | Schmitt | Suttle | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 204A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Jones | Peterson, C. | Thompson |
| Beutler | Elmer | Kiel | Preister | Tyson |
| Bohlke | Engel | Kristensen | Raikes | Vrtiska |
| Brashear | Hartnett | Landis | Schellpeper | Wehrbein |
| Bromm | Hilgert | Matzke | Schimek | Wesely |
| Brown | Hillman | Maurstad | Schrock | Wickersham |
| Bruning | Hudkins | Pedersen, Dw. | Stuhr | Witek |
| Crosby | Jensen | Pederson, D. | | |

Voting in the negative, 1:

Chambers

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Coordsen | Cudaback | Robak | Robinson | Willhoft |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Janssen | Lynch | Schmitt | Suttle | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1173.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for a center for excellence in electronics; to provide powers and duties for the Southeast Community College area; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Jensen | Peterson, C. | Thompson |
| Beutler | Dierks | Jones | Preister | Tyson |
| Bohlke | Elmer | Kiel | Raikes | Vrtiska |
| Bromm | Engel | Landis | Robak | Wehrbein |
| Brown | Hartnett | Matzke | Robinson | Wesely |
| Bruning | Hilgert | Maurstad | Schimek | Wickersham |
| Coordsen | Hillman | Pedersen, Dw. | Schrock | Willhoft |
| Crosby | Hudkins | Pederson, D. | Stuhr | Witek |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Brashear | Chambers | Kristensen | Schellpeper |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Janssen | Lynch | Schmitt | Suttle | 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.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 204, 204A, and 1173.

## SELECT FILE

**LEGISLATIVE BILL 59.** E & R amendment, AM7239, printed separately and referred to on page 1474, was adopted.

Mr. Bruning renewed his pending amendment, AM4173, found on page 1451.

Mr. Bruning withdrew his amendment.

Mr. Chambers renewed his pending amendment, AM4193, found on page 1480.

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 13 ayes, 0 nays, and 36 not voting.

Mr. Engel requested a roll call vote, in reverse order, on the Chambers amendment.

Voting in the affirmative, 4:

| | | | |
|---|---|---|---|
| Dierks | Robak | Schimek | Tyson |

Voting in the negative, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Jones | Preister | Vrtiska |
| Beutler | Hartnett | Kiel | Raikes | Wehrbein |
| Brashear | Hilgert | Kristensen | Schrock | Wesely |
| Bromm | Hudkins | Landis | Stuhr | Wickersham |
| Bruning | Jensen | Pederson, D. | Thompson | Witek |
| Crosby | | | | |

Present and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Bohlke | Coordsen | Hillman | Pedersen, Dw. | Schmitt |
| Brown | Cudaback | Matzke | Peterson, C. | Willhoft |
| Chambers | Engel | Maurstad | Robinson | |

Absent and not voting, 1:

Schellpeper

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Janssen | Lynch | Suttle | Will |

The Chambers amendment lost with 4 ayes, 26 nays, 14 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Vrtiska withdrew his amendment, AM4244, found on page 1532.

Messrs. Schellpeper, Abboud, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vrtiska offered the following amendment:
FA670

(Amendments to E & R amendments, AM7239)

1. On page 10, after line 1, insert the following new paragraph:

"(c) No later than one year after the enactment date of this Compact, the State of Missouri shall pay to the State of Nebraska an amount equal to ten times the annual tax assessments of all lands ceded to the State of Missouri pursuant to this Compact, based upon 1998 tax assessments, for the use and benefit of the impacted Nebraska taxing entities.".

Mr. Beutler offered the following amendment to the Vrtiska pending amendment:
FA671

1. Strike Vrtiska Amendment and substitute therefor:

1. On page 10, after line 1, insert the following new paragraph:

"(c) No later than one year after the effective date of any cession, the State of Missouri shall pay to the State of Nebraska an amount equal to ten times the annual real estate tax assessments of all lands ceded to the State of Missouri pursuant to this Compact, based upon the current tax assessments, for the use and benefit of the impacted Nebraska taxing entities, and the State of Nebraska shall pay to the State of Missouri an amount equal to ten times the annual real estate tax assessments of all lands ceded to the State of Nebraska pursuant to this Compact, based upon the current tax assessments, for the use and benefit of the impacted Missouri taxing entities.".

Mrs. Thompson and Mr. Robinson 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?"

Mr. Maurstad 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, 2 nays, and 22 not voting.

Mr. Beutler withdrew his amendment.

Mr. Vrtiska requested a roll call vote on his amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Bromm | Hartnett | Robak | Stuhr | Vrtiska |
| Coordsen | Hilgert | Schellpeper | Suttle | Wesely |
| Crosby | Jones | Schimek | Tyson | Willhoft |
| Dierks | Matzke | Schmitt | | |

Voting in the negative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jensen | Pederson, D. | Wehrbein |
| Bohlke | Elmer | Kiel | Peterson, C. | Wickersham |
| Brashear | Hillman | Kristensen | Raikes | Will |
| Brown | Hudkins | Pedersen, Dw. | Schrock | Witek |
| Bruning | | | | |

Present and not voting, 6:

Beutler Engel Maurstad Preister Robinson
Chambers

Excused and not voting, 4:

Janssen Landis Lynch Thompson

The Vrtiska amendment lost with 18 ayes, 21 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Robinson, Elmer, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM4269

(Amendments to E & R amendments, AM7239)

1. On page 12, after line 7, insert:

"ARTICLE XII. Withdrawal

Either state may withdraw from the Compact by enacting a statute repealing the Compact. Such withdrawal shall take effect after the Governor of the withdrawing state has given notice in writing of the withdrawal to the other Governor.".

Mr. Preister and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 309, 309A, 395, 504, 632, 699, 1126, 1191, 1228A, 1333, and 1333A.

### Enrollment and Review Change to LB 309

The following changes, required to be reported for publication in the Journal, have been made:
ER9131

1. In the Bromm et al. amendment, AM3629:

a. On page 1, line 14, "such person's" has been struck and "his or her" inserted;

b. On page 9, line 13, a comma has been inserted after "60-4,118";

and

c. On page 25, line 17, "a" has been struck and the stricken "and" has been reinstated.

2. In the Bromm amendment, AM3810:

a. Section 3 has been renumbered as section 2; and

b. On page 2, line 12, the comma has been struck.

3. On page 1, the matter beginning with "driving" in line 1 through line 12 and all amendments thereto have been struck and "motor vehicles; to amend sections 28-106, 29-119, 60-490, 60-4,110, 60-4,150, 60-6,196, 60-6,206, 60-6,208, 60-6,209, 60-6,211.01, 60-6,211.02, 60-6,211.03, 60-6,211.05, 83-1,127, and 83-1,129, Reissue Revised Statutes of Nebraska, sections 60-4,115, 60-4,118, 60-4,120, 60-601, 60-6,197, 60-6,205, and 83-1,135, Revised Statutes Supplement, 1996, and sections 60-4,146.01, 60-4,148, and 60-4,181, Revised Statutes Supplement, 1997; to change provisions relating to operator's licenses and state identification cards and fees; to provide and change provisions relating to penalties for driving while intoxicated, operator's license suspension, revocation, impoundment, and reinstatement, and motor vehicle seizure and impoundment; to provide powers and duties for the Department of Motor Vehicles and the Board of Pardons; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**Enrollment and Review Change to LB 395**

The following changes, required to be reported for publication in the Journal, have been made:

ER9145

1. In the Hilgert amendment, AM4147:

a. Sections 1 to 7, 18, 19, and 20 have been renumbered as sections 12 to 18, 19, 20, and 21, respectively;

b. On page 4, line 25, an underscored colon has been inserted after "exceeded" and "one" has been struck, shown as stricken, and "One" inserted; and in lines 26 and 27 the comma has been struck, shown as stricken, and an underscored semicolon inserted;

c. On page 6, line 22, an underscored comma has been inserted after "fee" and the comma has been struck; and

d. On page 8, line 1, "of" has been inserted after "July"; in line 8 "1 to 7 and 18 to 20" has been struck and "12 to 21" inserted; and in line 13 a comma has been inserted after "48-730".

2. In the Chambers-Beutler amendment, AM4150, on page 1, lines 4 and 5 have been struck and "through line 18 and all amendments thereto." inserted.

3. In the Kristensen amendment, AM4105, on page 1, line 13, "of this act" has been inserted after "3".

4. In the E & R amendments, AM7202, on page 1, the matter beginning with "in" in line 6 through the semicolon in line 8 has been struck; in line 8 "and insert" has been struck; and in line 9 "(4)" has been struck and "(5)" has been struck and "(4)" inserted.

5. Underscoring has been inserted in the Standing Committee amendments and all amendments thereto.

6. In the Standing Committee amendments, AM1138:

a. On page 3, line 1; and page 6, line 21, "requirement" has been struck and "requirements" inserted;

b. On page 4, lines 3 and 4, "or employee of the person" has been struck and ", by an employee of the person," inserted; and

c. On page 8, line 24, the semicolon has been struck and an underscored comma inserted.

7. On page 1, the matter beginning with "environmental" in line 1 through line 5 has been struck and "public health and welfare; to amend sections 48-721 and 48-741, Reissue Revised Statutes of Nebraska, sections 48-724, 48-730, and 48-731, Revised Statutes Supplement, 1996, and sections 48-722 and 48-726, Revised Statutes Supplement, 1997; to provide for environmental audits; to state intent; to define terms; to provide penalties; to change provisions of the Boiler Inspection Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**Enrollment and Review Change to LB 504**

The following changes, required to be reported for publication in the Journal, have been made:

ER9146

1. On page 1, the matter beginning with "the" in line 1 through line 4 has been struck and "real estate; to amend sections 76-2,120, 76-1416, and 76-1446, Reissue Revised Statutes of Nebraska; to provide an exception to disclosure statement requirements; to change provisions relating to security deposits and actions for possession under the Uniform Residential Landlord and Tenant Act;" inserted.

**Enrollment and Review Change to LB 1126**

The following changes, required to be reported for publication in the Journal, have been made:

ER9147

1. In the Stuhr amendment, AM4184:

a. On page 3, line 21, "Buffer" through "Fund" has been struck and "fund" inserted; and

b. On page 7, line 2, "rules and regulations adopted and promulgated pursuant to" has been inserted after "in".

2. On page 1, the matter beginning with "environmental" in line 1 through line 5 has been struck and "natural resources; to amend section 2-2634, Reissue Revised Statutes of Nebraska; to adopt the Buffer Strip Act; to change provisions relating to pesticide registration fees; to create a fund; and to repeal the original section." inserted.

## Enrollment and Review Change to LB 1191

The following changes, required to be reported for publication in the Journal, have been made:
ER9148

1. The following new section has been inserted:

"Sec. 19. Section 16-1033, Reissue Revised Statutes of Nebraska, is amended to read:

16-1033. In the event a firefighter quits or is discharged before his or her retirement date as defined in subsection (3) of section 16-1028, the firefighter may request and receive, as a lump-sum payment, an amount equal to the value of his or her employee account as determined at the valuation date preceding his or her termination of employment pursuant to subdivision (9) of section 16-1021. Such firefighter, if vested, may, in lieu thereof, receive a deferred pension benefit or lump-sum benefit in an amount purchased or provided by the vested retirement value at the date of retirement. The retirement value at such retirement date shall consist of the then accumulated value of the firefighter's employee account at the date of the retirement as reduced by any lump-sum distributions received prior to retirement, together with a vested percentage of the accumulated value of the firefighter's employer account at the date of retirement. The vesting schedule shall be as follows:

(1) If the terminating firefighter has been a member of the system for less than four years, the vesting percentage shall be zero; and

(2) If the terminating firefighter has been a member of the paid department of the city for at least four years, the vesting percentage shall be forty percent. The vesting percentage shall be sixty percent after five years, eighty percent after six years, and one hundred percent after seven years.

The deferred pension benefit shall be payable on the first of the month immediately following the terminating firefighter's fifty-fifth birthday. At the option of the firefighter, such pension benefit may be paid as of the first of the month after he or she attains the age of fifty. Such election may be made by the firefighter any time prior to the payment of the pension benefits.

The deferred pension benefit shall be paid in the optional benefit forms specified at subsection (1) of section 16-1027 as elected by the firefighter. Notwithstanding anything in sections 16-1020 to 16-1042 to the contrary, if the firefighter's vested retirement value at the date of his or her termination of employment is less than three thousand five hundred dollars, such firefighter shall, upon request within one year of such termination, be paid his or her vested retirement value in the form of a single lump-sum payment.

Effective January 1, 1997, a firefighter may elect, upon his or her termination of employment, to receive his or her vested retirement value in the form of a single lump-sum payment. For a firefighter whose termination of employment is prior to January 1, 1997, this election shall be available only if the city has adopted a lump-sum distribution option for terminating firefighters in the funding medium established for the retirement system.

Upon any lump-sum payment of a terminating firefighter's retirement

value under this section, such firefighter will not be entitled to any deferred pension benefit and the city and the retirement system shall have no further obligation to pay such firefighter or his or her beneficiaries any benefits under sections 16-1020 to 16-1042.

In the event that the terminating firefighter is not credited with one hundred percent of his or her employer account, the remaining nonvested portion of the account shall be forfeited and shall be deposited in the unallocated employer account. If the actuarial ~~evaluation~~ analysis required by section ~~16-1026~~ 16-1037 shows that the assets of the unallocated employer account are sufficient to provide for the projected plan liabilities, such forfeitures shall instead be used to meet the expenses incurred by the city in connection with administering the retirement system, and the remainder shall then be used to reduce the city contribution which would otherwise be required to fund pension benefits.".

2. In the Janssen-Wickersham amendment, AM3832:

a. Section 58 has been renumbered as section 61;

b. On page 7, line 4, "system" has been struck and "plan" inserted;

c. On page 37, line 6 "(a)" has been struck, shown as stricken, and "(i)" inserted; and in line 7 "(b)" has been struck, shown as stricken, and "(ii)" inserted;

d. On page 40, line 11, "class" has been struck, shown as stricken, and "classes" inserted;

e. On page 46, line 25, "the chairperson" has been inserted before "shall";

f. On page 52, line 15, "the employee" has been struck;

g. On page 53, line 1, the first "the" has been struck;

h. On page 57, lines 15, 20, and 26, "participating in" has been struck and "administered by" inserted; and in line 21 an underscored comma has been inserted after "Act";

i. On page 58, lines 8, 15, and 26, "participating in" has been struck and "administered by" inserted; and in line 10 "the chairperson" has been inserted before "shall";

j. On page 59, line 16, "provisions of such sections" has been struck, and shown as stricken, and "act" inserted;

k. On page 63, line 16, "the health director" has been inserted before "shall";

l. On page 74, line 11, "retirement" has been inserted before "board";

m. On page 79, line 9, paragraphing and "(2)" have been struck; in line 10 the comma has been struck; and in line 12 paragraphing and "(2)" have been inserted before "Any";

n. On page 82, line 3, "administered under the system" has been inserted after "plan"; and in line 27 "plan" has been struck and "system" inserted;

o. On page 83, line 2, "administered under the system" has been inserted after "plan" and "the administrator" has been inserted after "and"; and in lines 7 and 17 "independent" has been struck;

p. On page 89, the matter beginning with "a" in line 22 through line 25 has been struck and "the State of Nebraska is dissolved (a) enters into an employer-employee relationship with another agency of the State of

Nebraska and (b) has" inserted;

q. On page 93, line 13, "42" has been struck and "43" inserted; and in line 14, the comma has been struck; and

r. On page 98, line 8, "16-1033," has been inserted after "16-1017,".

3. In the Crosby amendment, AM3754, on page 2, line 11, "71 and 83" has been struck and "72 and 84" inserted.

4. In the Standing Committee amendments, AM3180:

a. On page 1, lines 18 and 19, "4 and 5" has been struck and "30 and 31" inserted; and in lines 23 and 24 "9 and 10" has been struck and "39 and 40" inserted;

b. On page 2, line 6, the comma has been struck; and in lines 18 and 19 "17 and 18" has been struck and "47, 59, and 60" inserted;

c. On page 3, lines 10 and 11, "23 and 24" has been struck and "66 to 68" inserted; and

d. On page 4, lines 15 and 16, "28 and 29" has been struck and "74 and 75" inserted.

5. On page 1, the matter beginning with "23-2301" in line 1 through line 14 has been struck and "2-1608, 2-3228, 12-101, 13-2401, 14-1802, 14-1804, 14-1806, 14-1809 to 14-1811, 14-1814, 14-1822, 14-1826, 14-2111, 15-1017, 16-1017, 16-1033, 16-1037, 19-3501, 23-1118, 23-2301, 23-2306, 23-2308, 23-2312, 23-2317.01, 23-2319, 23-2323.01, 23-2325, 23-2331, 23-2333, 23-3526, 24-705, 24-711, 79-905, 79-926, 79-947.02, 79-949, 79-967, 79-987, 79-9,100, 84-1305.01, 84-1319.01, 84-1327, and 84-1513, Reissue Revised Statutes of Nebraska, sections 42-1108, 50-438, 84-1308, and 84-1503, Revised Statutes Supplement, 1996, and sections 24-701.01, 79-901, 79-902, 79-916, 79-922, 79-933.03, 79-933.05, 79-951, 79-955, 79-958, 79-9,113, 81-2014.01, 81-2016, 84-1301, 84-1307, 84-1331, 84-1504, and 84-1505, Revised Statutes Supplement, 1997; to require actuarial and financial analyses and reports; to change provisions relating to retirement funds, benefits, service credits, contributions, liability, records, investments, claims, and penalties; to provide and change powers and duties; to redefine terms; to change and eliminate provisions relating to members' accounts; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 16-1026, 23-2310.01, 23-2310.02," inserted.

6. References to "the Retirement Systems Committee of the Legislature" have been changed to "the Nebraska Retirement Systems Committee of the Legislature".

7. The remaining sections have been renumbered accordingly.

(Signed) Jon C. Bruning, Chairperson

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1007A.** 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 1007, Ninety-fifth Legislature, Second Session, 1998.

**LEGISLATIVE BILL 1293A.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1293, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

**LEGISLATIVE BILL 1321A.** 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 1321, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 204.

(Signed) Deborah S. Suttle

## PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1998, at 10:40 a.m., were the following bills: LBs 204, 204A, and 1173.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## AMENDMENTS - Print in Journal

Mr. Coordsen filed the following amendment to LB 1219:
AM4271

(Amendments to E & R amendments, AM7240)

1. Insert the following new sections:

"Sec. 18. (1) Temporary mitigation funds shall be distributed to local systems which have total system resources for school fiscal year 1998-99 which are less than ninety percent of their total system resources for school fiscal year 1997-98. The local system shall receive a lump sum payment in an amount equal to ninety percent of the 1997-98 total system resources minus the 1998-99 total system resources if the following criteria are met:

(a) The local system's 1997-98 general fund budget of expenditures minus the special education budget of expenditures did not exceed the 1995-96 general fund budget of expenditures minus the special education budget of expenditures by more than two percent plus the percentage growth in students; and

(b)(i) The local system has shown an intent to merge,

consolidate, or unify with at least one specified high school district by June 1, 1999, through a public affirmative vote by the school board of the high school district with a majority of the members of the school board signing an affidavit acknowledging that the intent of the signing board member is to proceed with a merger, consolidation, or unification involving the district on which board they are serving and that signing such affidavit without the requisite intent is official misconduct pursuant to section 28-924;

(ii) The local system is within the sparse cost grouping or the very sparse cost grouping pursuant to section 79-1007.02; or

(iii) The local system is subject to loss of state aid due to clerical error as defined in subsection (4) of section 79-1016.

(2) If the payments due to local systems under this section exceed the amount of funds appropriated by the Legislature, the funds shall be distributed on a pro rata basis to such local systems. Payments shall be made between September 1, 1998, and September 15, 1998. Payments to local systems that include Class I districts shall be divided proportionally among the districts in the local system based on the weighted formula membership attributed to each district in the local system for the certification of state aid to be paid in the 1998-99 school fiscal year. The State Department of Education shall identify local systems which qualify for payments under this section and shall distribute the funds to the districts in qualifying local systems.

(3) For purposes of this section:

(a) Total system resources for school fiscal year 1997-98 means the sum of state aid distributed pursuant to the Tax Equity and Educational Opportunities Support Act for school fiscal year 1997-98 plus the product of the general fund common levy for 1997-98 multiplied by the local system's assessed valuation for 1997;

(b) Total system resources for school fiscal year 1998-99 means the sum of state aid certified pursuant to the Tax Equity and Educational Opportunities Support Act for school fiscal years 1998-99 plus the product of a levy of one dollar and ten cents per one hundred dollars multiplied by the local system's adjusted valuation for 1998 as certified by the Property Tax Administrator on or before July 1, 1998;

(c) Local system has the definition found in section 79-1003; and

(d) Percentage growth in students means the average daily membership for the 1996-97 school fiscal year divided by the average daily membership for the 1994-95 school fiscal year.

Sec. 19. Section 84-612, Revised Statutes Supplement, 1997, 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 or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) On June 15, 1999, the State Treasurer shall transfer forty million dollars from the Cash Reserve Fund to the General Fund.

(6) On or before September 1, 1998, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund.".

2. On page 31, lines 5 and 6, strike "and 79-1083.02" and insert "79-1083.02, and 84-612".

3. Renumber the remaining sections accordingly.

Mrs. Bohlke and Mr. Raikes filed the following amendment to LB 1219:
AM4256

(Amendments to E & R amendments, AM7240)

1. On page 8, line 19, after the period insert "The interlocal agreement shall provide for a minimum term of three school years.".

## VISITORS

Visitors to the Chamber were 15 seniors and sponsor from Ralston; 100 fourth grade students and teachers from Crete; Dr. Paul Kennedy, Jerry Fardal, and Wes Rieke from Omaha; Alice Butt, Linda Volkman, Marg Riggs, and Doris Bodeman from Central City; Jeff Richardson from Dawson County; 56 eighth grade students and teachers from Mary Our Queen School, Omaha; 5 seniors and sponsor from Bellevue West High School; and a group from Nebraska Pork Producers.

## RECESS

At 12:08 p.m., on a motion by Mr. Schellpeper, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Janssen who was excused; and Messrs. Abboud, Landis, Matzke, Dw. Pedersen, Robinson, Schmitt, Will, Willhoft, Mmes. C. Peterson, Robak, Stuhr, and Witek who were excused until they arrive.

## MESSAGES FROM THE GOVERNOR

March 31, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1100, 1110A, 63, 1107, and 1138 were received in my office on March 25, 1998.

These bills were signed by me on March 31, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 31, 1998

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

Dear Madame President and Senators:

With this letter, I am returning LB 1108 with line-item reductions. The General Fund veto amounts in LB 1108 total $5.2 million. A list of the individual vetoes is attached.

There are measures before you that appear to be moving toward passage, which, taken in total, will result in spending beyond the capacity or the desire of the Nebraska taxpayers to fund. I have maintained that we should spend only what we need to spend, save what we can, and return the rest to the taxpayers. My line-item reductions in LB 1108 begin the first step in that process, limiting expenditures only to that which is necessary. I will carefully weigh the additional measures which are sent to me in the remaining days of the session to ensure that we return to the taxpayers of Nebraska any amount not absolutely necessary for running the government of the state.

During the 1997 legislative session, a total of $23.6 million new funding was added to increase the rates for service providers for the developmentally disabled. Through LB 1108, another $5 million in General and Federal dollars are now added for this purpose. In this biennium, another $8.9 million was also added to ensure services for new students transitioning from high school, along with $2.1 million to provide for other persons who have qualified for services since the Blueprint program was initiated last biennium. A great deal of support has been given in recent years to be sure that the developmentally disabled in our state receive the quality care that they need and deserve. In total, over the past eight years, General Fund appropriations for the developmentally disabled have increased by 88%, from $35 million to over $65.8 million.

I am allowing the added appropriation for new persons needing services to remain in place, except that I am vetoing the amount for additional staff. Sufficient staffing capacity exists within the Health and Human Services system to serve these new clients. By my actions on LB 1108, however, I am reducing the General Fund increase for provider rates by $862,600. With the remaining $1,418,680 General Fund and accompanying federal increase for provider rates, the Department of Health and Human Services will be able to make an adjustment consistent with a 2.75% salary increase and maintain rates at 85% of methodology. I believe this funding is adequate to ensure quality services for disabled persons, as well as more equitable treatment for those providing care.

General Funds of $125,825 for the Foster Grandparent Program have been eliminated. Up to now, this program has been 100% funded through the Corporation for National and Community Service. While the Foster Grandparents do an excellent job of helping special needs children, I do not believe we should begin providing funding at this time for a new state program which will require ongoing General Fund support.

You have included in your recommended funding for FY 1998-99, $12,000 General Funds for the mid-year health insurance rate increase for the Nebraska Educational Television Commission. I have stricken this amount since it can be funded from projected vacancy savings, as it is in the current year. This is consistent with how other state agencies have handled the increase.

The $527,416 General Funds included for Fire/Life Safety/ADA Projects at the State Colleges in FY 1997-98 has been stricken. Other appropriations; namely, $400,000 per year of General Funds appropriated in LB 1100; funding previously appropriated to the Building Renewal Task Force for the benefit of all state agencies; and the funding appropriated in LB 1138 for the Peru State College campus, will help address Fire and Life Safety and ADA concerns at the State Colleges.

In your recommended funding for FY 1998-99, you have included $1,255,580 General Funds for additional state funding of Cooperative Extension salaries. This issue can be dealt with through the normal biennial budget request process. The additional funding has been stricken.

In the Nebraska State Historical Society's budget, I have line item vetoed $40,000 Cash Funds in FY 1998-99, appropriated for the purpose of providing flexibility to the Historical Society to raise admission fees at the

Museum of Nebraska History and historical sites. The Historical Society has sufficient cash fund authority should the Board of Trustees choose to raise admission charges for the general public visiting these sites.

I have also vetoed $100,000 General Funds from the Nebraska Library Commission in FY 1998-99. Notwithstanding this line-item reduction, the Library Commission appropriation will be increased by $400,000 General Funds in FY 1998-99 to allow the Commission to contract for statewide access by local libraries to online databases, including full-text downloads of articles from hundreds of journals and periodicals.

I have consistently advocated for stimulation of economic activity through tourism industry enhancements, including the Tourism Development Initiative, expanded tourism marketing and stable funding for the Nebraska Film Office. My veto of $150,000 General Funds for FY 1997-98 reflects my ongoing restraint on spending, while still providing for a state investment in the Bailey Yard Visitors' Center in North Platte, which will yield positive economic returns for the community, region and state.

The Legislature has provided $12.0 million for the collocation of the Nebraska State Patrol Training Academy and the Nebraska Law Enforcement Training Center in Grand Island. I concur with this efficiency measure and have left intact the total project cost estimate of $12.0 million for this initiative. My recommendation leaves first-year funding of $10,000,000 for FY 1998-99 and demonstrates my commitment to this project. This will ensure that no delays occur in this important capital construction project.

Additional funding was added to the Nebraska State Patrol budget by the Legislature for health insurance co-payments. All state agencies were asked to absorb this relatively small insurance adjustment. To provide consistent budgetary treatment to all state agencies, I have vetoed these excess amounts.

I have vetoed $47,580 from the Department of Education in FY 1997-98 which was to be used for paying accrued vacation and sick leave for five retiring employees. The Department of Education can use vacancy savings for this expense.

I appreciate the hard work you have invested in the budget thus far. I urge your continued vigilance in the remaining days, as we fashion a sensible spending plan to accomplish the work of the state while continuing to safeguard the resources of the taxpayers of Nebraska. I encourage you to sustain my vetoes.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

Attachment

**LB 1108 Veto Amounts by Agency & Program**

| Ag # | Agency Name | Prog # | Fund | FY 97/98 Amount | FY 98/99 Amount |
|---|---|---|---|---|---|
| 5 | Supreme Court | 52 | PSL | | 50,000 |
| 13 | Department of Education | 25 | General | 47,580 | |
| 25 | Health and Human Services | 421 | General | | 43,121 |
| | | 421 | Federal | | 64,682 |
| 26 | Health and Human Services-Finance | 424 | General | | 862,600 |
| | | 424 | Federal | | 1,034,892 |
| 26 | Health and Human Services-Finance | 571 | General | | 125,825 |
| 34 | Library Commission | 302 | General | | 100,000 |
| 47 | Educational Telecommunications Commission | 533 | General | | 12,000 |
| 50 | State Colleges | 901 | General | 527,416 | |
| 51 | University of Nebraska | 781 | General | | 1,255,580 |
| 54 | State Historical Society | 648 | Cash | | 40,000 |
| 64 | State Patrol | All | General | 24,550 | 56,240 |
| | | | Cash | 5,028 | 11,520 |
| 72 | Department of Economic Development | 618 | General | 150,000 | |
| 78 | Commission on Law Enforcement | 903 | Building | | 2,000,000 |
| | **State Totals** | | **General** | **749,546** | **2,455,366** |
| | | | **Building** | | **2,000,000** |
| | | | | **749,546** | **4,455,366** |
| | | | **Cash** | **5,028** | **51,520** |
| | | | **Federal** | | **1,099,574** |
| | | | | **5,028** | **1,151,094** |
| | | | **PSL** | | **50,000** |

Note: State Building Fund appropriations are transferred from the State General Fund

March 31, 1998

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

Dear Madame President and Senators:

I am returning LB 1110 without my signature, but I am signing

LB 1110A. LB 1110A will provide $9.7 million to Nebraska's Educational Service Units to ensure that they are able to support school districts in the core service areas: staff development in curriculum and instruction, staff development in the use of technology, and instructional materials. I cannot, however, sign into law LB 1110 due to section five, which repeals the Property Tax Reduction Incentive Fund created by LB 180 (1997). I have chosen this approach, as LB 1110 is unnecessary to provide funding to the Education Service Units for core services.

As you know, there was a clear understanding with the enactment of the levy limits in LB 1114 (1996) that local political subdivisions needed to explore ways in which to become more efficient. I recognized last year by signing LB 180 that as local governing bodies looked internally at alternatives for reducing spending, it would be appropriate for the state to set aside $20 million in the Property Tax Reduction Incentive Fund to assist with selected local governmental services. My position on this matter has not changed. I remain committed to providing property tax relief and believe that the Property Tax Reduction Incentive Fund provided the appropriate mechanism to ensure property tax relief for Nebraska taxpayers. I cannot and will not sign a bill that repeals the Property Tax Reduction Incentive Fund regardless of the merits of other provisions within the bill.

I urge you to sustain my veto of LB 1110.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

## SELECT FILE

**LEGISLATIVE BILL 59.** The Beutler pending amendment, AM4269, found on page 1562, was renewed.

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

Mr. Beutler moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Schmitt | Thompson | Vrtiska |
| Dierks | Schimek | Suttle | Tyson | Wesely |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Bohlke | Bromm | Bruning | Chambers |

| | | | | |
|---|---|---|---|---|
| Coordsen | Hillman | Lynch | Raikes | Wehrbein |
| Crosby | Hudkins | Matzke | Schellpeper | Wickersham |
| Cudaback | Jensen | Pederson, D. | Schrock | Willhoft |
| Elmer | Kiel | Peterson, C. | Stuhr | Witek |
| Hilgert | Kristensen | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brashear | Brown | Hartnett | Jones | Preister |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Janssen | Maurstad | Robak | Robinson | Will |
| Landis | Pedersen, Dw. | | | |

The Beutler amendment lost with 10 ayes, 27 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Vrtiska offered the following amendment:
AM1620

1. Insert the following new section:

"Sec. 4. The centerline of the Missouri River shall be the boundary line of the State of Nebraska and the states of Missouri, Iowa, and South Dakota.".

2. Renumber the remaining section accordingly.

Messrs. Wesely and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vrtiska withdrew his amendment.

Pending.

## AMENDMENTS - Print in Journal

Mr. Coordsen filed the following amendment to LB 1219A:
AM4272

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 1, strike "$10,000" and insert "$4,510,000"; and in line 5 after the period insert "There is included in the appropriation in this section for FY1998-99 $4,500,000 General Funds for state aid, which shall only be used

for such purpose to carry out the provisions of section 18, Legislative Bill 1219, Ninety-fifth Legislature, Second Session, 1998.".

Mr. Hilgert filed the following amendment to LB 922:
AM4275

1. Insert the following new sections:

"Sec. 394. Section 37-1202, Reissue Revised Statutes of Nebraska, is amended to read:

37-1202. For the purposes of the State Boat Act, unless the context otherwise requires, the definitions found in sections 37-1203 to 37-1210 and section 395 of this act shall be used.

Sec. 395. Personal watercraft shall mean a class of inboard vessel less than sixteen feet in length which uses an internal combustion engine powering a jet pump as its primary source of motive propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than in the conventional manner of boat operation.

Sec. 396. Except as provided in sections 397 to 403 of this act, a personal watercraft shall be subject to all applicable laws, rules, and regulations which govern the operation, equipment, registration, and numbering of and all other matters relating to vessels whenever a personal watercraft is operated on the waters of this state.

Sec. 397. (1) A personal watercraft may not be operated on the waters of this state unless each person aboard the personal watercraft is wearing a Type I, Type II, Type III, or Type V United States Coast Guard-approved personal floatation device.

(2) Each person operating a personal watercraft on the waters of this state which is equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to the operator's person, clothing, or personal floatation device as appropriate.

Sec. 398. A person shall not operate a personal watercraft on the waters of this state from the period beginning one-half hour after sunset through one-half hour before sunrise.

Sec. 399. (1) A person shall operate a personal watercraft on the waters of this state at a no-wake speed of five miles per hour or less when it is within thirty yards of (a) a dock, (b) a boat ramp, (c) a person swimming, (d) a bridge structure, (e) a moored or anchored vessel, (f) a sewage pump-out facility, or (g) a nonmotorized watercraft.

(2) A person shall operate a personal watercraft on the waters of this state in a reasonable and prudent manner. A maneuver which unreasonably or unnecessarily endangers life, limb, or property is prohibited and includes weaving through congested vessel traffic or jumping the wake produced by another vessel at an unsafe distance.

(3) A person shall not operate a personal watercraft on

the waters of this state unless facing forward on the watercraft.

Sec. 400. A person shall not operate a personal watercraft on the waters of this state to tow a person on water skis, kneeboards, inflatable crafts, or any other device unless the personal watercraft is designed to accommodate more than one person.

Sec. 401. Effective January 1, 1999, a person under sixteen years of age shall not operate a personal watercraft on the waters of this state unless a person seventeen years of age or older is aboard the personal watercraft, except that a person under sixteen years of age but not less than fourteen years of age may operate a personal watercraft if such person has completed a boating safety course approved by the commission and has been issued a valid boating safety certificate.

Sec. 402. Effective January 1, 1999, the owner of a boat livery, or his or her agent or employee, shall not lease, hire, or rent a personal watercraft to, or for operation by, any person under sixteen years of age. The owner of a boat livery, or his or her agent or employee, may lease, hire, or rent a personal watercraft to or for operation by any person who is under sixteen years of age but not less than fourteen years of age if the person presents his or her certificate issued under section 401 of this act.

Sec. 403. The provisions of sections 396 to 402 of this act shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition which has been authorized or permitted by the commission pursuant to sections 37-1262 and 37-1263 or is otherwise exempt from the provisions of the State Boat Act.

Sec. 406. Section 37-1213, Reissue Revised Statutes of Nebraska, is amended to read:

37-1213. Vessels subject to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act shall be divided into four classes as follows:

Class 1. Less than sixteen feet in length including all canoes regardless of length;

Class 2. Sixteen feet or over and less than twenty-six feet in length;

Class 3. Twenty-six feet or over and less than forty feet in length; and

Class 4. Forty feet or over.

Sec. 409. Section 37-1224, Reissue Revised Statutes of Nebraska, is amended to read:

37-1224. When the owner of any vessel registered under ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act moves out of the state or upon the transfer of ownership of any vessel, such owner or transferor shall be credited with the number of unexpired months remaining in the registration period. If such vessel is removed from the state or transferred within the same

calendar month in which it was registered, no refund shall be allowed for such month. Any individual moving out of the state or transferring ownership to any vessel may file a claim for refund with the commission upon forms provided by the commission. The commission shall make payment to the claimant from money available from the State Game Fund appropriated for such purpose, but no refund shall be paid if less than twelve months remains in the registration period.

Sec. 410. Section 37-1225, Reissue Revised Statutes of Nebraska, is amended to read:

37-1225. In the event that an agency of the United States Government shall have in force an overall system of identification numbering for vessels within the United States, the commission may by rules and regulations adopt such numbering system as the numbering system pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act.

Sec. 413. Section 37-1228, Reissue Revised Statutes of Nebraska, is amended to read:

37-1228. Certificates of number and the number awarded shall expire December 31 of each three-year numbering period and shall no longer be of any force or effect unless renewed pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act. The fee for renewal registration shall be the same as for original registration. Owners whose registration has expired shall have until March 1 following the year of expiration to renew such registration. Every certificate of number shall contain the following information: Name and address of the owner, classification number or letter as classified by the commission, length, type of construction, material used in the boat, whether inboard or outboard motor power, type of fuel, make, the horsepower rating of motor or motors, and the hull identification number.

Sec. 414. Section 37-1231, Reissue Revised Statutes of Nebraska, is amended to read:

37-1231. No number other than the number awarded to a vessel or granted reciprocity pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act shall be attached on either side of the bow of such vessel.

Sec. 415. Section 37-1241, Reissue Revised Statutes of Nebraska, is amended to read:

37-1241. (1) Every vessel except sailboards shall carry at least one life preserver, ring buoy, or other device of the sort prescribed by the regulations of the commission for each person on board, so placed as to be readily accessible, except that every vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the commission for each person on board. Every vessel except canoes, kayaks, sailboards, and personal watercraft shall carry at least one throwable floatation device which shall be in addition to the devices required for each

person on board.

(2) Subsection (1) of this section shall not apply to any racing shell or rowing scull during an authorized race or regatta or an officially supervised training session if at least one approved floatation device is carried aboard an accompanying vessel for each person in such racing shell or rowing scull. Such floatation devices shall be in addition to those required for each person aboard the accompanying vessel.

(3) For purposes of this section, sailboard ~~:~~

~~(a) Personal watercraft shall mean a class of inboard vessel less than sixteen feet in length which uses an internal combustion engine powering a jet pump as its primary source of motive propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than in the conventional manner of boat operation; and~~

~~(b)~~ Sailboard shall mean a surfboard-type vessel with no freeboard and using a free-sail system with a swivel-mounted mast not secured to a hull by guys or stays.

Sec. 416. Section 37-1248, Reissue Revised Statutes of Nebraska, is amended to read:

37-1248. No person shall operate or give permission for the operation of a vessel which is not equipped as required by ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act.

Sec. 417. Section 37-1249, Reissue Revised Statutes of Nebraska, is amended to read:

37-1249. A vessel shall not be required to be numbered pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act if it is:

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state, if ~~; PROVIDED, that~~ such boat ~~shall not have~~ has not been within this state for a period in excess of sixty consecutive days;

(2) A vessel from a country other than the United States temporarily using the waters of this state;

(3) A vessel whose owner is the United States, a state, or a subdivision thereof; or

(4) A ship's lifeboat.

Sec. 418. Section 37-1250, Reissue Revised Statutes of Nebraska, is amended to read:

37-1250. The commission may by rule and regulation exempt a vessel from numbering under ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act after the commission has found that the numbering of certain vessels will not materially aid in their safety and identification.

Sec. 419. Section 37-1264, Reissue Revised Statutes of Nebraska, is amended to read:

37-1264. The provisions of ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act and of other applicable laws of this

state shall govern the operation, equipment, numbering, and all other matters relating thereto whenever any vessel shall be operated on the waters of this state~~,~~ or when any activity regulated by ~~sections 37-1201 to 37-1273 and 37-1291~~ the act shall take place thereon. Nothing ~~; but nothing~~ in ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels the provisions of which are identical to the provisions of ~~sections 37-1201 to 37-1273 and 37-1291, amendments thereto,~~ the act or rules or regulations issued thereunder, but such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of ~~sections 37-1201 to 37-1273 and 37-1291, amendments thereto,~~ the State Boat Act or rules or regulations issued thereunder.

Sec. 420. Section 37-1268, Reissue Revised Statutes of Nebraska, is amended to read:

37-1268. The commission shall adopt and promulgate such rules and regulations as are necessary to carry out ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act. In adopting such rules and regulations, the commission shall be governed by the provisions of the Administrative Procedure Act.

Sec. 421. Section 37-1270, Reissue Revised Statutes of Nebraska, is amended to read:

37-1270. Any person who violates any provisions of ~~sections 37-1201 to 37-1269~~ the State Boat Act, or any provisions of the rules and regulations established by the ~~Game and Parks Commission~~ commission pursuant thereto, for which a penalty is not otherwise provided, shall be guilty of a Class V misdemeanor for each such violation.

Sec. 422. Section 37-1271, Reissue Revised Statutes of Nebraska, is amended to read:

37-1271. Any person who violates any provision of section 37-1251 or 37-1252, ~~or~~ sections 37-1258 to 37-1261, or sections 397 to 400 and 402 of this act shall be guilty of a Class IV misdemeanor for each violation.

Sec. 424. Section 37-1291, Revised Statutes Supplement, 1996, is amended to read:

37-1291. Sections 37-1201 to 37-1291 and sections 395 to 403 of this act shall be known and may be cited as the State Boat Act.".

2. Renumber the remaining sections, correct the repealer, and correct internal references accordingly.

Mrs. Bohlke filed the following amendment to LB 465:
AM4282

(Amendments to Standing Committee amendments, AM0617)

1. On page 17, line 5, after the period insert "A licensee may carry a concealed handgun into any public library if

the handgun is equipped with a silencer.".

Mrs. Bohlke filed the following amendment to LB 465:
AM3630
(Amendments to Standing Committee amendments, AM0617)

1. On page 16, strike lines 19 through 27.

2. On page 17, strike lines 1 through 5; in line 6 strike "(6)" and insert "(5)"; and in line 25 strike "(7)" and insert "(6)".

3. On page 18, line 5, strike "(8)" and insert "(7)" and after the last comma insert "and"; and in line 6 strike ", or (7)".

## GENERAL FILE

**LEGISLATIVE BILL 1104.** Title read. Considered.

The Standing Committee amendment, AM2931, found on page 505, lost with 0 ayes, 15 nays, 26 present and not voting, and 8 excused and not voting.

Messrs. Wickersham and Coordsen renewed their pending amendment, AM3950, printed separately and referred to on page 1197.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

**MR. BEUTLER PRESIDING**

The Wickersham-Coordsen amendment 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 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

**PRESIDENT ROBAK PRESIDING**

**LEGISLATIVE BILL 1346.** Title read. Considered.

The Standing Committee amendment, AM3172, found on page 670, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

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

**LEGISLATIVE BILL 371.** Title read. Considered.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Kristensen requested a roll call vote on the advancement of the bill.

Mr. Beutler requested the roll call vote be taken in reverse order.

Voting in the affirmative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Kristensen | Schellpeper | Wickersham |
| Coordsen | Engel | Maurstad | Wehrbein | Willhoft |
| Cudaback | Hilgert | Robinson | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Bohlke | Bruning | Hudkins | Preister | Suttle |
| Brashear | Chambers | Jones | Schimek | Thompson |
| Bromm | Crosby | Landis | Stuhr | Tyson |

Present and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Beutler | Hillman | Matzke | Raikes | Schrock |
| Dierks | Jensen | Pederson, D. | Robak | Vrtiska |
| Hartnett | Kiel | Peterson, C. | Schmitt | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Brown | Lynch | Wesely | Will | Witek |
| Janssen | Pedersen, Dw. | | | |

Failed to advance to E & R for review with 13 ayes, 15 nays, 14 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE RESOLUTION 303CA.** Read. Considered.

The Standing Committee amendment, AM2871, found on page 428, was considered.

Mr. Tyson, Mmes. Suttle, Hillman, and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

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

Advanced to E & R for review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 341.** Title read. Considered.

Mr. Will withdrew his motion, found on page 946, to indefinitely postpone.

Mrs. Crosby offered the following amendment:
AM4293
1. On page 14, line 17, strike "1997" and insert "1998".

The Crosby amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

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

**SPEAKER KRISTENSEN PRESIDING**

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 1007.** Title read. Considered.

Messrs. Jensen, Schrock, Hilgert, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

**MR. HARTNETT PRESIDING**

Mrs. Kiel, Ms. Schimek, Messrs. Will, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

**MR. COORDSEN PRESIDING**

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion failed with 12 ayes, 15 nays, and 22 not voting.

Mrs. Robak requested to pass over LB 1007.

**MOTION - Print in Journal**

Mr. Wesely filed the following motion to LB 341:
Indefinitely postpone.

**AMENDMENTS - Print in Journal**

Mrs. Bohlke filed the following amendment to LB 1175:
AM4242

(Amendments to E & R amendments, AM7236)

1. Insert the following new sections:

"Section 1. Section 13-508, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998, is amended to read:

13-508. (1) After publication and hearing thereon and within the time prescribed by law, each governing body shall file with and certify to the levying board or boards on or before September 20 of each year or, for Class I school districts, on or before August 1, and file with the auditor a copy of the adopted statement of the amount for reimbursement of property taxes pursuant to subsection (2) of section 13-504 and the adopted budget statement which complies with sections 13-518 to 13-522 or 79-1023 to 79-1030, together with the amount of the tax required to fund the adopted budget, setting out separately (a) the amount to be levied for the payment of principal or interest on bonds issued by the governing body and (b) the amount to be levied for all other purposes. Proof of publication shall be attached to the statements. The governing body, in certifying the amount required, may make allowance for delinquent taxes not exceeding five percent of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year which is still pending. Except for such allowances, a governing body shall not certify an amount of tax more than one percent greater or lesser than the amount determined under section 13-505.

(2) After publication and hearing thereon and within the time prescribed by law, each governing body responsible for certifying a levy pursuant to section 77-1601.02 shall file with the levying board on or before October 14 of each year and file with the auditor a certified copy of any resolution passed setting a tax levy which shall not exceed the maximum levy prescribed by state law and a statement reconciling the levy set by the governing body with the budget filed pursuant to subsection (1) of this section. The levy shall be set to fund property tax requirements in the adopted budget to four to eight places to the right of the decimal point.

(3) Each governing body shall use the final adjusted values as provided by the county assessor pursuant to section 13-509 for the current year in setting or certifying the levy.

Each governing body may designate one of its members to perform any duty or responsibility required of such body by this section.

Sec. 32. Section 79-1024, Revised Statutes Supplement, 1997, is amended to read:

79-1024. (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, after consultation with the department, shall review each district's budget statement for statutory compliance, make necessary changes in the budget documents for districts to effectuate the budget limitations imposed pursuant to sections 79-1023 to 79-1030, and notify the Commissioner of Education (a) of any district failing to submit to the department or the auditor the budget documents required pursuant to this subsection by the date established in subsection (1) of section 13-508 and (b) of any Class I district failing to submit the items required by such subsection to its high school districts by the date established in section 79-1083.03 or failing to make any corrections of errors in the documents pursuant to section 13-504.

(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 subsection (1) of section 13-508 or a Class I district fails to submit the items required by such subsection to its high school districts by the date established in section 79-1083.03 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 auditor and 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. If the school district does not comply with this section prior to the end of the state's biennium following the biennium which included the fiscal year for which state aid was calculated, the state aid funds shall revert to the General Fund. The amount of any reverted funds shall be included in data provided to the Governor in accordance with section 79-1031. The board of any

district failing to submit to the department or the auditor the budget documents required pursuant to this section by the date established in subsection (1) of section 13-508 or a Class I district fails to submit the items required by such subsection to its high school districts by the date established in section 79-1083.03 or failing to make any corrections of errors in the documents pursuant to section 13-504 shall be liable to the school district for all school money which such district may lose by such failing.".

2. On page 85, strike beginning with "their" in line 15 through "request" in line 16 and insert "the items required by subsection (1) of section 13-508"; in line 17 strike "September 1" and insert "August 1"; and strike beginning with "The" in line 17 through line 21.

3. Amend the operative date and repealer sections so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Schrock filed the following amendment to LB 1175:
AM4309

(Amendments to E & R amendments, AM7236)

1. On page 43, line 23, after "groupings" insert ".

For purposes of subdivision (1) of this section, if a local system did not operate and offer instruction in grades nine through twelve within the boundaries of the local system during the school fiscal year immediately preceding the school fiscal year in which aid is to be paid, the local system shall not be considered to have a high school attendance center".

Mr. Raikes filed the following amendment to LB 1028:
AM4270

(Amendments to AM4213)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike original sections 1 and 4 and insert the following new sections:

'Section 1. Section 77-2715.02, Revised Statutes Supplement, 1997, 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~~ For taxable years beginning or deemed to begin

before January 1, 1999, 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) For taxable years beginning or deemed to begin on or after January 1, 1999, and before January 1, 2001, the income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,400, $32,000, and $50,000, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,200, $16,000, and $25,000 for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(c) For taxable years beginning or deemed to begin on or after January 1, 2001, the income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500 for single returns and married filing separate returns;

(ii) $0, $4,800, $34,000, and $53,000 for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000 for head of household returns; and

(iv) $0, $500, $4,700, and $15,150 ,for estates and trusts;

(d) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

~~(c)~~ (e) The amount in column D shall be the rate on the income in excess of the amount in column E;

~~(d) Except as provided in subdivision (2)(c) of this section, 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;~~

~~(e) For tax years 1997 and 1998, the~~ (f) 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 .6784, .9432, 1.3541, and 1.8054;

~~(f)~~ (g) 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

~~(g)~~ (h) 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. 4. Section 77-2716.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716.01. (1) Every individual shall be allowed to subtract from his or her income tax liability an amount for personal exemptions. The amount allowed to be subtracted shall be the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be eighty-six dollars; for tax year 1998, the credit amount shall be eighty-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. The ~~sixty-five-dollar~~ eighty-eight-dollar credit amount shall be adjusted for cumulative inflation since ~~1993~~ 1998. If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and

for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. For tax year 1994 and each tax year thereafter, the income levels stated in this subsection shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any income level in this subsection is not a multiple of one thousand dollars, the amount shall be rounded to the next highest multiple of one thousand dollars.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return except as the amount is adjusted under section 77-2716.03, and for taxable years beginning or deemed to begin on or after January 1, 1999, individuals filing married filing joint returns shall be allowed to subtract a standard deduction equal to the federal standard deduction plus an adjustment for two-earner families. The adjustment for two-earner families shall be equal to the total difference between the federal standard deduction for married filing joint returns and twice the federal standard deduction for single filers multiplied times a fraction, the numerator of which is the total wages and net earnings from self-employment as defined in section 1402 of the Internal Revenue Code of 1986, as amended, of the spouse with the lower total wages and net earnings from self-employment, and the denominator of which is the total wages and net earnings from self-employment of the other spouse.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or the amount before the federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 77-2716.03.'.".

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1209A.** 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 1209, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

## SELECT FILE

**LEGISLATIVE BILL 1161.** E & R amendment, AM7237, found on page 1473, was adopted.

Mr. Robinson reoffered his amendment, AM3787, found on page 1221 and considered on page 1267.

Mr. Robinson asked unanimous consent to replace his pending amendment, AM3787, found on page 1221, with a substitute amendment. No objections. So ordered.

Mr. Robinson withdrew his amendment, AM3787, found on page 1221.

Messrs. Robinson and Preister offered the following substitute amendment: AM4294

(Amendments to Standing Committee amendments, AM3706)

1. Insert the following new section:

"Sec. 45. Section 81-15,162.02, Revised Statutes Supplement, 1997, is amended to read:

81-15,162.02. (1) The department shall deduct and withhold from the Scrap Tire Reduction and Recycling Incentive Fund an amount sufficient to reimburse itself for its costs of administration of the fund.

(2) The department may disburse (a) to any person ~~a percentage~~ up to one hundred percent of costs incurred in cleaning up collection sites existing on June 11, 1997, if such cleanup is complete no later than June 1, 1999, or (b) to a political subdivision up to one hundred percent of costs incurred in cleaning up collection sites existing on June 11, 1997, or created on or after such date if such cleanup is complete no later than June 1, 1999.

~~If the cleanup is completed by August 31, 1998, the disbursement may be up to one hundred percent of the costs. The remaining cleanups under this section completed by June 1, 1999, may receive disbursements of up to seventy percent of the costs. All disbursements under this subsection are subject to availability of money in the fund.~~

(3) Other eligible categories of disbursement which may be made from the fund to any person who applies to the department under subsection (4) of this section are:

(a) Studies to determine economic and technical feasibility of uses of scrap tire or tire-derived scrap tire product, with disbursements of up to one hundred percent of the cost of the study, depending on factors set out in subsection (4) of this section;

(b) Reimbursement for the purchase of tire-derived products which utilize a minimum of twenty-five percent recycled tire content, with disbursements not exceeding twenty-five percent

of the product's retail cost;

(c) Participation in the capital costs of buildings, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived products, with disbursements not exceeding fifty percent of the costs or five hundred thousand dollars, whichever is less;

(d) Participation in the capital costs of equipment, buildings, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not exceeding fifty percent of such costs;

(e) Cost-sharing for the manufacturing of tire-derived products, with disbursements not exceeding twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(f) Cost-sharing for the processing of scrap tires, with disbursements not exceeding twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(g) Cost-sharing for the use of scrap tires for civil engineering applications for specified projects, with disbursements not exceeding twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually.

(4) The department shall develop an application form to be used by applicants for disbursement for cleanup costs as described in subsection (2) of this section or for disbursement of funds under subsection (3) of this section. The department shall prepare and distribute a schedule of eligible activities, conditions of funding, and application procedures, including any matching requirements, for disbursements made under this section. Decisions by the director on recipients of funding shall be made in a manner which furthers the purposes of recycling and reducing the number of scrap tires in Nebraska. In order to further the purposes of section 81-15,159.01, the director shall give preference to projects which utilize scrap tires generated in Nebraska.

(5) The director may deny any application which he or she determines (a) is not in conformance with this section, (b) does not reflect reasonable costs for the type of project proposed, (c) contains inaccurate, incomplete, or misleading information in the application, or (d) would require the expenditure of funds beyond the fund's unobligated balance or any other reason which the director determines is necessary to properly administer this section.

No disbursements may be made under this section for scrap tire processing related to tire-derived fuel. The director may provide partial funding to any applicant for any of the reasons set out in this subsection.

(6) All disbursements made under this section shall be formalized by a written agreement between the department and all

recipients of the disbursement. The agreement may include, but need not be limited to, the following conditions designed to protect the fund and ensure completion of the project: (a) Mechanics of funding disbursement; (b) any bidding requirements; (c) completion timelines for any deliverables; (d) record-keeping and reporting requirements; (e) security interest and insurance requirements on equipment; (f) forfeiture and repayment of funds; and (g) other conditions necessary or desirable to carry out this section.".

2. Amend the operative date and repealer sections so that section 45 added by this amendment becomes operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

The Robinson-Preister amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Messrs. Beutler, Engel, and Bromm offered the following amendment: AM4300

(Amendments to Standing Committee amendments, AM3706)

1. Insert the following section:

"Sec. 48. 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 6, line 19, strike "director" and insert "Environmental Quality Council".

3. On page 24, line 27, after "person" insert ", other than a responsible person," and strike "for property damages".

4. On page 25, line 1, strike "caused by a release"; in line 2 after "Act" insert "for (1) property damage caused by a release and (2) reasonable costs directly incurred due to uninhabitability of a dwelling or unfitness of a water supply caused by a release"; and in line 6 after the period insert "Claims approved under this section shall be reduced by any third-party claim, as defined in section 66-1515.01, for the same damage. A claim approved under this section shall not be considered to be from a collateral source in a judicial proceeding for the same damage.".

5. On page 25, line 12; page 34, lines 12 and 15; and page 35, lines 22 and 25, strike "release" and insert "occurrence".

6. On page 32, strike the new matter in lines 8 through 13 and insert ". The amount of the fee shall be used first for payment of claims approved by the State Claims Board pursuant to section 24 of this act; second, up to three million dollars of the fee per year shall be used for reimbursement of owners and operators under the Petroleum Release Remedial Action Act for investigations of releases ordered pursuant to section 81-15,124;

and third, the remainder of the fee shall be used for any other purpose authorized by section 66-1519.".

7. On page 56, line 15, after "Services" insert "or a representative of the Department of Health and Human Services Regulation and Licensure".

8. On page 59, line 20, strike "and 48" and insert ", 30, 49, and 53"; and in line 27 strike "section" and insert "sections 66-1521 and".

9. On page 60, line 9, strike "sections 66-1518 and 66-1521" and insert "section 66-1518".

Mrs. Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler-Engel-Bromm amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Schrock offered the following amendment:
AM4255
(Amendments to Standing Committee amendments, AM3706)

1. On page 1, line 15, after "to" insert "a separate account within"; and strike beginning with "enacted" in line 19 through line 24 and insert "established by October 1, 1998, a program requiring the installation of measuring devices on a minimum of ninety percent of active eligible wells by April 1, 2001, and adopts and promulgates rules and regulations within a reasonable time governing the program.".

2. On page 2, strike line 1; and in line 19 after the period insert "Any owner or operator of a well upon which cost-share funds are expended shall not be responsible for any repayment requirements under this section.".

The Schrock amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

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

Mr. Beutler offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4284.)

The Beutler amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Elmer offered the following amendment:
AM4306
(Amendments to Standing Committee amendments, AM3706)

1. Insert the following section:

"Sec. 13. Section 46-656.29, Revised Statutes

Supplement, 1996, is amended to read:

46-656.29. (1) Any person who intends to construct a water well in a management area in this state on land which he or she owns or controls shall, before commencing construction, apply with the district in which the water well will be located for a permit on forms provided by the district, except that (a) no permit shall be required for test holes or dewatering wells with an intended use of ninety days or less, (b) no permit shall be required for ~~water wells~~ a single water well designed and constructed to pump fifty gallons per minute or less, and (c) a district may provide by rule and regulation that a permit need not be obtained for water wells defined by the district to be replacement water wells. A district may require a permit for a water well designed and constructed to pump fifty gallons per minute or less if such water well is commingled, combined, clustered, or joined with any other water well or wells or other water source, other than a water source used to water range livestock. Such wells shall be considered one water well and the combined capacity shall be used as the rated capacity. Forms shall be made available at each district in which a management area is located, in whole or in part, and at such other places as may be deemed appropriate. The district shall review such application and issue or deny the permit within thirty days after the application is filed.

(2) A person shall apply for a permit under this section before he or she modifies a water well for which a permit was not required under subsection (1) of this section into one for which a permit would otherwise be required under such subsection.

(3) The application shall be accompanied by a seventeen-dollar-and-fifty-cent filing fee payable to the district and shall contain (a) the name and post office address of the applicant or applicants, (b) the nature of the proposed use, (c) the intended location of the proposed water well or other means of obtaining ground water, (d) the intended size, type, and description of the proposed water well and the estimated depth, if known, (e) the estimated capacity in gallons per minute, (f) the acreage and location by legal description of the land involved if the water is to be used for irrigation, (g) a description of the proposed use if other than for irrigation purposes, (h) the registration number of the water well being replaced if applicable, and (i) such other information as the district requires.

(4) Any person who has failed or in the future fails to obtain a permit required by subsection (1) or (2) of this section shall make application for a late permit on forms provided by the district.

(5) The application for a late permit shall be accompanied by a two-hundred-fifty-dollar fee payable to the district and shall contain the same information required in subsection (3) of this section.".

2. Amend the operative date and repealer sections so that the section added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

The Elmer 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.

## GENERAL FILE

**LEGISLATIVE BILL 1129.** Title read. Considered.

The Standing Committee amendment, AM2895, found on page 511, was considered.

Mrs. Crosby withdrew her amendment, AM3296, found on page 931.

Mr. Tyson withdrew his amendment, AM3816, found on page 1085.

Mr. Lynch and Mrs. Hillman withdrew their amendment, AM3906, found on page 1182.

Mr. Matzke withdrew his amendment, AM4123, found on page 1412.

The Standing Committee 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 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1259.** Title read. Considered.

The Standing Committee amendment, AM3423, found on page 1030, was considered.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Coordsen and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

## AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 1354:
AM4291

(Amendments to Standing Committee amendments, AM3466)

1. Strike sections 5 to 36 and 78.

2. On page 38, line 16, after "(17)" insert "Nursing home means any facility or a distinct part of any facility that provides care as defined in subdivision (6), (10), (11), or (20) of section 71-2017.01;

(18)"; in line 18 strike "(18)" and insert "(19)"; in line 23 strike "(19)" and insert "(20)"; and in line 26 strike "(20)" and insert "(21)".

3. On page 39, line 1, strike "(21)" and insert "(22)"; and in line 4 strike "(22)" and insert "(23)".

4. On page 42, line 11, after "facility" insert ", a person licensed to operate a child care facility, a staff member of a child care facility, or a staff member of a school".

5. On page 47, line 13, before "rules" insert "applicable".

6. On page 49, line 21, after the period insert "Nothing in the act shall be construed to require any school to employ or use a school nurse or medication aide in order to be in compliance with the act.".

7. On page 74, line 24, after the second "the" insert "applicable"; and in line 25 after the underscored period insert "Notwithstanding any other provision, nothing in the act shall be construed to require any school to employ or use a school nurse or medication aide in order to be in compliance with the act.".

8. On page 76, strike beginning with "Sections" in line 4 through the period in line 5; strike beginning with "68-1020" in line 7 through "71-1002," in line 10 and insert "71-1002"; and strike beginning with the second "and" in line 10 through the last comma in line 11.

9. Renumber the remaining sections and correct internal references accordingly.

Mrs. Bohlke filed the following amendment to LB 1175:
AM4296

(Amendments to E & R amendments, AM7236)

1. Insert the following new sections:

"Sec. 56. Section 79-1241, Revised Statutes Supplement, 1997, is amended to read:

79-1241. Funds appropriated for core services shall be distributed proportionally to each educational service unit by the State Department of Education on or before August 1 of each school fiscal year based on the fall membership in member districts in the preceding school fiscal year, except that no educational service unit shall receive less than two and one-half percent of the funds

appropriated for core services. Funds distributed pursuant to this section shall be used for core services with the approval of representatives of two-thirds of the member school districts, representing a majority of the students in the member school districts. If a member school district provides evidence satisfactory to the educational service unit that the district will provide core services for itself in a cost-efficient manner, the educational service unit may distribute funds directly to the district to be used for providing core services, or if all member school districts within the boundaries of an educational service unit together provide evidence satisfactory to the State Department of Education that the districts will provide core services for themselves in a more cost-efficient manner than the educational service unit, the department shall distribute funds directly to the districts to be used for providing core services.

Sec. 57. It is the intent of the Legislature to appropriate nine million seven hundred thousand dollars from the General Fund for FY1998-99 to be distributed pursuant to section 79-1241 for school fiscal year 1998-99. It is the intent of the Legislature to appropriate for FY1999-00 and each fiscal year thereafter the amount appropriated in the prior year increased by the percentage growth in the fall membership of member districts plus the basic allowable growth rate described in section 79-1025. For purposes of this section, fall membership has the same meaning as in section 79-1003.

Sec. 58. Section 1, Legislative Bill 1110A, Ninety-fifth Legislature, Second Session, 1998, is amended to read as follows:

Section 1. There is hereby appropriated (1) $9,700,000 from the General Fund for FY1998-99 and (2) $9,991,000 from the General Fund for FY1999-00 to the State Department of Education, for Program 25, to aid in carrying out the provisions of ~~Legislative Bill 1110, Ninety-fifth Legislature, Second Session, 1998~~ sections 56 and 57 of this act.

There is included in the appropriation to this section for FY1998-99 $9,700,000 General Funds for state aid to educational service units for core services, which shall only be used for such purpose. There is included in the appropriation to this section for FY1999-00 $9,991,000 General Funds for state aid to educational service units for core services, which shall only be used for such purpose.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 59. Section 2, Legislative Bill 1110A, Ninety-fifth Legislature, Second Session, 1998, is amended to read as follows:

Sec. 2. The appropriation in section ~~1~~ 58 of this act is based on a basic allowable growth rate as provided in section 79-1025 of three percent. If section 79-1025 is amended during the 1998 legislative session to change the basic allowable growth rate

to two and one-half percent, the appropriation in section ~~1~~ 58 of this act for FY1999-00 shall be reduced to $9,942,500 and that shall be the amount for state aid.".

2. Amend the operative date and repealer sections so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Bohlke filed the following amendment to LB 1175:
AM4295

(Amendments to E & R amendments, AM7236)

1. Insert the following new sections:

"Sec. 56. Section 79-1241, Revised Statutes Supplement, 1997, is amended to read:

79-1241. Funds appropriated for core services shall be distributed proportionally to each educational service unit by the State Department of Education on or before August 1 of each school fiscal year based on the fall membership in member districts in the preceding school fiscal year, except that no educational service unit shall receive less than two and one-half percent of the funds appropriated for core services. Funds distributed pursuant to this section shall be used for core services with the approval of representatives of two-thirds of the member school districts, representing a majority of the students in the member school districts. If a member school district provides evidence satisfactory to the educational service unit that the district will provide core services for itself in a cost-efficient manner, the educational service unit may distribute funds directly to the district to be used for providing core services, or if all member school districts within the boundaries of an educational service unit together provide evidence satisfactory to the State Department of Education that the districts will provide core services for themselves in a more cost-efficient manner than the educational service unit, the department shall distribute funds directly to the districts to be used for providing core services.

Sec. 57. It is the intent of the Legislature to appropriate nine million seven hundred thousand dollars from the Property Tax Reduction Incentive Fund created pursuant to section 77-4208, for FY1998-99 to be distributed pursuant to section 79-1241 for school fiscal year 1998-99. It is the intent of the Legislature to appropriate for FY1999-00 and each fiscal year thereafter the amount appropriated in the prior year increased by the percentage growth in the fall membership of member districts plus the basic allowable growth rate described in section 79-1025. For purposes of this section, fall membership has the same meaning as in section 79-1003.

Sec. 58. Section 1, Legislative Bill 1110A, Ninety-fifth Legislature, Second Session, 1998, is amended to read as follows:

Section 1. There is hereby appropriated (1) $9,700,000 from the ~~General~~ Property Tax Reduction Incentive Fund for FY1998-99 and (2) $9,991,000 from the ~~General~~ Property Tax Reduction Incentive Fund for FY1999-00 to the State Department of Education, for Program 25, to aid in carrying out the provisions of ~~Legislative Bill 1110, Ninety-fifth Legislature, Second Session, 1998~~ sections 56 and 57 of this act.

There is included in the appropriation to this section for FY1998-99 $9,700,000 ~~General Funds~~ for state aid to educational service units for core services, which shall only be used for such purpose. There is included in the appropriation to this section for FY1999-00 $9,991,000 ~~General Funds~~ for state aid to educational service units for core services, which shall only be used for such purpose.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 59. Section 2, Legislative Bill 1110A, Ninety-fifth Legislature, Second Session, 1998, is amended to read as follows:

Sec. 2. The appropriation in section ~~1~~ 58 of this act is based on a basic allowable growth rate as provided in section 79-1025 of three percent. If section 79-1025 is amended during the 1998 legislative session to change the basic allowable growth rate to two and one-half percent, the appropriation in section ~~1~~ 58 of this act for FY1999-00 shall be reduced to $9,942,500 and that shall be the amount for state aid.".

2. Amend the operative date and repealer sections so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Bromm filed the following amendment to LB 1161A:
AM4319

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $150,000 from the Geologists Regulation Fund for FY1998-99 and (2) $150,000 from the Geologists Regulation Fund for FY1999-00 to Agency 59 - Board of Geologists, for Program 159, to aid in carrying out the provisions of Legislative Bill 1161, Ninety-fifth Legislature, Second Session, 1998.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $72,500 for FY1998-99 or $72,500 for FY1999-00.".

2. Renumber the remaining section accordingly.

Mrs. Suttle filed the following amendment to LB 1028:
AM4317

(Amendments to E & R amendments, AM7238)

1. Strike section 1 and all amendments thereto and insert the following new section:

"Section 1. Section 77-2715.02, Revised Statutes Supplement, 1997, 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) Except as provided in subdivision (2)(e) of this section, 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~~ .667, .927, 1.332, and 1.776;

(e) For tax years 1997 and 1998, 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 .6784, .9432, 1.3541, and 1.8054;

(f) 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

(g) 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.".

Mrs. Suttle filed the following amendment to LB 1028:
AM4318

(Amendments to E & R amendments, AM7238)

1. Strike sections 1 and 2 and all amendments thereto and insert the following new section:

"Section 1. Section 77-2715.02, Revised Statutes Supplement, 1997, 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) Except as provided in subdivision (2)(e) of this section, 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~~ .667, .927, 1.332, and 1.776;

(e) For tax years 1997 and 1998, 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 .6784, .9432, 1.3541, and 1.8054;

(f) 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

(g) 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.".

2. On page 11, strike beginning with "section" in line 4 through the first "and" in line 5.

3. Renumber the remaining sections accordingly.

## UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 1176.** Mr. Bruning asked unanimous consent to replace his pending amendment, AM4046, found on page 1268, with a substitute amendment. No objections. So ordered.

Mr. Bruning withdrew his amendment, AM4046, found on page 1268.

Mr. Bruning renewed his substitute pending amendment, AM4197, found on page 1492.

The Bruning amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Messrs. Wickersham and Raikes withdrew their amendments, AM4037, AM4039, AM4040, and AM4038, found on pages 1281, 1282, and 1283.

Mr. Chambers withdrew his amendments, FA636, FA637, FA638, FA639, FA640, FA641, and FA642, found on pages 1332 and 1333.

Mr. Wickersham renewed his pending amendment, AM4220, found on page 1523.

Mr. Wickersham withdrew his amendment.

Mr. Chambers offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4265.)

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Wickersham offered the following amendment:
FA673

(Amendments to AM4197)

1. On page 7, line 3, after "Legislature" insert "for FY1998-99"; and strike beginning with "In" in line 14 through line 17 and insert "The Legislature shall appropriate funds to the Quality Work Force Academic Loan Program Revolving Fund for FY1998-99 only. After FY1998-99, the only sources of funding shall be loan repayments, penalties, interest payments, contributions, fees from businesses, and any other funds received in the process of administering the program. To sustain the program, amounts available in the fund for each year shall fund the program for four years.".

The Wickersham 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:
FA674

1:19, strike "Nebraska" and insert, "in this state".
1:20, strike "Nebraska's" and insert, "this state's"
2:17, strike "Nebraska" and insert, "this state".
3:4, strike "Nebraska" and insert, "this state".

3:13, strike "Nebraska" and insert, "this state".; line 14, strike "Nebraska's" and insert, "this state's"
8:25, strike "Nebraska" and insert, "this state".

The Chambers amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused. 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 24 ayes, 0 nays, and 25 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

Advanced to E & R for review with 27 ayes, 6 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

## AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 1175:
AM4281

(Amendments to E & R amendments, AM7236)

1. On page 1, line 10, strike "15" and insert "30".
2. On page 82, line 11, strike "aid is to be paid" and insert "the primary high school district determination is made".
3. On page 90, line 14, after "payments" insert "based upon claims submitted"; and strike beginning with "in" in line 18 through line 20, show the old matter as stricken, and insert an underscored period.

Mr. Hartnett filed the following amendment to LB 1259:
AM4276

1. Insert the following new section:

"Section 1. Section 13-506, Reissue Revised Statutes of Nebraska, is amended to read:

13-506. Each governing body, after the filing of the proposed budget statement with its secretary or clerk, shall each year conduct a public hearing on such proposed budget statement and the itemized estimate for reimbursement of property taxes pursuant to subsection (2) of section 13-504. Notice of place and time of such hearing, together with a summary of the proposed budget statement and the itemized estimate for reimbursement of property

taxes pursuant to subsection (2) of section 13-504, shall be published at least five days prior to the date set for hearing, in a newspaper of general circulation within the governing body's jurisdiction or by direct mailing of the notice to each resident within the community. When the total operating budget, including the amount necessary for reimbursement of property taxes, not including reserves, does not exceed ten thousand dollars per year, the proposed budget summary may be posted at the governing body's principal headquarters. After such hearing, the proposed budget statement, including the amount necessary for reimbursement of property taxes, shall be adopted, or amended and adopted as amended, and a written record shall be kept of such hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement, including the amount necessary for reimbursement of property taxes, is adopted, or is amended and adopted as amended. If ~~, and if~~ the levying board represents more than one county, a member or a representative of the governing board shall, upon the written request of any represented county, appear and present its budget at the hearing of ~~each county in which is located~~ the requesting county if a major area of the county is affected by its budget. The certification of the amount to be received from personal and real property taxation shall specify separately (1) the amount to be applied to the payment of principal or interest on bonds issued by the governing body and (2) the amount to be received for all other purposes. If the adopted budget statement, including the amount necessary for reimbursement of property taxes, reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within twenty days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for such changes.".

2. On page 5, line 27, after "sections" insert "13-506," and before "and" insert a comma.

3. Renumber the remaining sections accordingly.

Messrs. Will and Wesely filed the following amendment to LB 512:
AM4310

(Amendments to Final Reading copy)

1. Strike sections 1 to 6 and insert the following sections:

"Section 1. Section 43-284, Revised Statutes Supplement, 1997, is amended to read:

43-284. When any juvenile is adjudged to be under subdivision (3) or (4) of section 43-247, the court may permit such juvenile to remain in his or her own home subject to supervision or may make an order ~~committing the juvenile to (1) the care of some~~ placing the care and custody of the juvenile with (1) a suitable institution, (2) ~~inpatient or outpatient treatment at~~ a mental

health facility or mental health program for inpatient or outpatient treatment, (3) ~~the care of some~~ a reputable citizen of good moral character, (4) ~~the care of some~~ an association willing to receive the juvenile embracing in its objects the purpose of caring for or obtaining homes for such juveniles, which association is ~~shall have been~~ accredited as provided in section 43-296, (5) ~~the care of~~ a suitable family, or (6) ~~the care and custody of~~ the Department of Health and Human Services. The care and custody ordered under subdivisions (1), (2), or (4) of this section shall be at an institution, a facility or program, or a home located within the State of Nebraska.

Under subdivision (1), (2), (3), (4), or (5) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, education, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, education, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until suitable provisions may be made for the juvenile without such payment. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund.

The amount to be paid by a county for education pursuant to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed and shall be paid only for education in kindergarten through grade twelve.

The court may enter a dispositional order removing a juvenile from his or her home only upon a written determination that continuation in the home would be contrary to the welfare of such juvenile and that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from his or her home and to make it possible for the juvenile to return.

Sec. 2. Section 43-286, Revised Statutes Supplement, 1996, is amended to read:

43-286. Notwithstanding the provisions of sections 43-251 and 43-253 to 43-257, no juvenile shall be confined in any jail as a disposition of the court. When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247:

(1) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged when the same is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(a) Place the juvenile on probation subject to the supervision of a probation officer;

(b) Permit the juvenile to remain in his or her own home,

subject to the supervision of the probation officer; or

(c) Cause the juvenile to be placed in a suitable family home or ~~institution~~ to be placed in an institution located within the State of Nebraska, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.

Under subdivision (1)(a), (1)(b), or (1)(c) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the juvenile without such payment. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund;

(2) Except as provided in section 43-287, the court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be committed to the Youth Rehabilitation and Treatment Center-Geneva or to the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter;

(3) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile as defined by subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications; or

(4) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(a) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(b) The juvenile shall be entitled to a hearing before

the court to determine the validity of the allegations set forth pursuant to subdivision (4)(a) of this section. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(c) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversary criminal trial;

(d) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with subdivisions (4)(b) and (4)(c) of this section;

(e) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered or, in the case of the juvenile adjudicated to be within the definitions of subdivision (3)(b) of section 43-247, the court, after considering the dispositions available, may in addition commit such juvenile to the Office of Juvenile Services under section 43-287; and

(f) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 3. Section 43-290, Revised Statutes Supplement, 1996, is amended to read:

43-290. It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a

state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or subsequent to adjudication, shall be in the nature of a disposition hearing.

At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile, which amount ordered paid shall be the extent of the liability of the parent. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay, and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other sources. Support thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of the parent. If the parent willfully fails or refuses to pay the sum ordered or to pay over any health care plan benefit sums received, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile. The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

If the juvenile has been committed to the care and custody of the Department of Health and Human Services, the department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's

parent.

If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the study or treatment shall be paid, when approved by an order of the court, out of a fund which shall be appropriated by the county in which the petition is filed. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund.

The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 4. Section 43-2,101, Revised Statutes Supplement, 1996, is amended to read:

43-2,101. Unless otherwise ordered by the court pursuant to section 43-290, each county shall bear all the expenses incident to the transportation of each juvenile from such county to the Department of Health and Human Services, together with such fees and costs as are allowed by law in similar cases. The fees, costs, and expenses shall be paid from the county treasury upon itemized vouchers certified by the judge of the juvenile court. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of such expenditures.

Sec. 5. Any county required to appropriate or expend funds pursuant to section 43-284, 43-286, 43-290, or 43-2,101 shall be entitled to reimbursement from the Department of Health and Human Services Finance and Support on a monthly basis for fifty percent of the expenditures made pursuant to such sections.

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. Original sections 43-286, 43-290, and 43-2,101, Revised Statutes Supplement, 1996, and section 43-284, Revised Statutes Supplement, 1997, are repealed.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 1, strike "43-284,"; in line 2 after "1996" insert ", and section 43-284, Revised Statutes Supplement, 1997"; and strike lines 4 and 5 and insert "to provide severability; to repeal the original sections; and to declare an emergency.".

Mr. Abboud filed the following amendment to LB 1362:
AM4313

(Amendments to Final Reading copy)

1. On page 4, after line 13, insert
"Tort Claim Nos. 91-183, 91-184, 91-188, 91-195,
91-196, 91-197, 91-198, 91-199, 91-200, 91-221,
91-276, 91-299, 91-318, 91-323, and 91-372, against
the Public Service Commission, pay to Simmons and
Olsen Trust Account, c/o James M. Carney, Attorney,
P.O. Box 560, Scottsbluff,
NE 69363-0560, out of the General Fund 230,000.00"
in line 18 strike "The claims" and insert "Tort Claim No. 93-331";
after line 21 insert: "GENERAL FUND 230,000.00";
and in line 23 strike "22,792.33" and insert "252,792.33".

## GENERAL FILE

**LEGISLATIVE BILL 1176A.** Title read. Considered.

Mr. Bruning withdrew his amendment, AM4168, found on page 1481.

Mr. Bruning offered the following amendment:
FA672
by striking "and (2) $2,000,000 from the General Fund for FY 1999-00" in line 2, page 2 of the bill.
and strike original section 3.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

The Bruning amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

## UNANIMOUS CONSENT - Add Cointroducer

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 1259. No objections. So ordered.

## AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 1028:
AM4277
(Amendments to E & R amendments, AM7238)
1. Insert the following new sections:
"Sec. 3. Section 77-2715.08, Reissue Revised Statutes of Nebraska, is amended to read:
77-2715.08. For purposes of this section and section 77-2715.09, unless the context otherwise requires:
(1) Capital stock shall mean common or preferred stock,

either voting or nonvoting. Capital stock shall not include stock rights, stock warrants, stock options, or debt securities;

(2)(a) Corporation shall mean any publicly traded corporation which, at the time of the ~~first~~ sale or exchange for which the election is made, has been in existence and actively doing business in this state for at least three years.

(b) Corporation shall also include:

(i) Any corporation which is a member of a unitary group of corporations, as defined in section 77-2734.04, which includes a corporation defined in subdivision (2)(a) of this section; and

(ii) Any predecessor or successor corporation of a corporation defined in subdivision (2)(a) of this section.

(c) All corporations which are not publicly traded issuing capital stock for which an election under section 77-2715.09 is made shall, at the time of the ~~first~~ sale or exchange for which the election is made, have (i) at least five shareholders and (ii) at least two shareholders or groups of shareholders who are not related to each other and each of which owns at least ten percent of the ~~capital stock~~ voting control of the corporation.

For purposes of this subdivision, two persons shall be considered to be related when, under section 318 of the Internal Revenue Code of 1986, one is a person who owns, directly or indirectly, capital stock that if directly owned would be attributed to the other person or is the brother, sister, aunt, uncle, cousin, niece, or nephew of the other person who owns capital stock either directly or indirectly; and

(3) Predecessor or successor corporation shall mean a corporation that was a party to a reorganization that was entirely or substantially tax free and that occurred during or after the employment of the individual making an election under section 77-2715.09.

Sec. 4. Section 77-2715.09, Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.09. (1)(a) Every resident individual may elect under this section to subtract from federal adjusted gross income or, for trusts qualifying under subdivision (2)(c) of this section, from taxable income the capital gain from the sale or exchange of capital stock of a corporation acquired by the individual (i) on account of employment by such corporation or (ii) while employed by such corporation.

(b) The election may be made for ~~all taxable years~~ any taxable year beginning or deemed to begin on or after January 1, 1999. ~~1989, except that such election may be made with respect to one-half of such gain included in federal adjusted gross income for taxable years beginning or deemed to begin on or after January 1, 1988.~~

(2)~~(a)~~ Each individual shall be entitled to one election under subsection (1) of this section during his or her lifetime for the capital stock of one corporation, and the election shall apply

only to the capital gain from sales or exchanges during the year of the election.

~~(b) The election shall apply to subsequent sales and exchanges in any taxable year if the sale or exchange is of capital stock in the same corporation and such capital stock was acquired as provided in subsection (1) of this section.~~

~~(c) After the individual makes an election, such election shall apply to the sale or exchange of capital stock of the corporation transferred by inter vivos gift from the individual to his or her spouse or issue or a trust for the benefit of the individual's spouse or issue if such capital stock was acquired as provided in subsection (1) of this section. This subdivision shall apply, in the case of the spouse, only if the spouse was married to such individual on the date of sale or exchange or the date of death of the individual.~~

~~(d) If the individual dies without making an election, the surviving spouse or, if there is no surviving spouse, the oldest surviving issue may make the election for capital stock that would have qualified under subdivision (c) of this subsection.~~

(3) In order to make an election under the section, the individual shall have filed as a resident individual taxpayer for at least the three years immediately prior to the tax year in which the election is made and shall remain a resident individual taxpayer for at least the three years immediately after the election is made. Failure to file as a resident individual taxpayer for the succeeding three taxable years will void the election and result in the recapture of the taxes that would have been due on the capital gain for which the election is made had the election been denied.

(4) An election under subsection (1) of this section shall be made by including a written statement with the taxpayer's Nebraska income tax return or an amended return for the taxable year for which the election is made. The written statement shall identify the corporation that issued the stock and the grounds for the election under this section and shall state that the taxpayer elects to have this section apply.

Sec. 9. Original sections 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska, are repealed.".

2. Correct the operative date section so that sections 3, 4, and 9 added by this amendment become operative for taxable years beginning or deemed to begin on or after January 1, 1999.

3. Renumber the remaining sections accordingly.

## VISITORS

Visitors to the Chamber were Senator Preister's niece, Amy Preister, 66 fourth grade students, and teacher from Tara Heights Elementary School, Papillion; Elizabeth, Michel, and Claire Manchec from France; and 30 fourth grade students and teachers from Bennington.

**MOTION - Adjournment**

Mr. Landis moved to adjourn until 9:00 a.m., Wednesday, April 1, 1998.

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 Landis motion to adjourn.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Kiel | Raikes | Suttle |
| Beutler | Coordsen | Landis | Robinson | Vrtiska |
| Bohlke | Crosby | Matzke | Schimek | Wesely |
| Bromm | Hudkins | Pederson, D. | Stuhr | Will |
| Bruning | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Brashear | Engel | Jones | Pedersen, Dw. | Thompson |
| Brown | Hilgert | Kristensen | Schellpeper | Wickersham |
| Cudaback | Hillman | Lynch | Schmitt | Willhoft |
| Dierks | Jensen | Maurstad | Schrock | |

Present and not voting, 1:

Elmer

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Hartnett | Peterson, C. | Robak | Wehrbein | Witek |
| Janssen | Preister | Tyson | | |

The Landis motion to adjourn prevailed with 21 ayes, 19 nays, 1 present and not voting, and 8 excused and not voting, and at 8:24 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, April 1, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTY-FOURTH DAY – APRIL 1, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 1, 1998

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Kristensen 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 Mr. Janssen who was excused; and Messrs. Abboud, Beutler, Brashear, Dierks, Hilgert, Landis, Robinson, Tyson, Wickersham, Will, Mmes. Hillman, Kiel, C. Peterson, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

## RESOLUTION

**LEGISLATIVE RESOLUTION 340.** Read. Considered.

LR 340 was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 532A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 1070A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1104A.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 1126A.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 1191A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

## BILLS ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 320 with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 320.**

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-480, 60-490, 60-4,122, 60-4,123, 60-4,124 to 60-4,126, 60-4,142, 60-4,173, and 60-4,188, Reissue Revised Statutes of Nebraska, sections 60-4,112, 60-4,115, 60-4,118, and 60-4,146, Revised Statutes Supplement, 1996, and section 60-462, Revised Statutes Supplement, 1997; to provide for provisional operators' permits; to change provisions relating to operators' licenses, learners' permits, and state identification cards; to change provisions relating to application fees; to change provisions relating to renewal procedures; to provide and change penalties; to require driver improvement and driver safety courses for minors as prescribed; to provide for waiver of examinations as prescribed; to provide powers and duties for the Department of Motor Vehicles; to harmonize provisions; to provide severability; 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Jones | Pederson, D. | Stuhr |
| Bohlke | Elmer | Kiel | Peterson, C. | Suttle |
| Brashear | Engel | Kristensen | Preister | Thompson |
| Bromm | Hartnett | Landis | Raikes | Tyson |
| Brown | Hilgert | Lynch | Robak | Vrtiska |
| Bruning | Hillman | Matzke | Robinson | Wehrbein |
| Crosby | Hudkins | Maurstad | Schellpeper | Will |
| Cudaback | Jensen | Pedersen, Dw. | Schimek | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Schmitt | Schrock | Wickersham | Witek |
| Coordsen | | | | |

Present and not voting, 2:

Wesely Willhoft

Excused and not voting, 2:

Abboud Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 320A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Kiel | Preister | Suttle |
| Bohlke | Elmer | Kristensen | Raikes | Thompson |
| Brashear | Engel | Landis | Robak | Tyson |
| Bromm | Hartnett | Lynch | Robinson | Vrtiska |
| Brown | Hilgert | Matzke | Schellpeper | Wehrbein |
| Bruning | Hillman | Maurstad | Schimek | Wickersham |
| Coordsen | Hudkins | Pedersen, Dw. | Schmitt | Will |
| Crosby | Jensen | Pederson, D. | Stuhr | Willhoft |
| Cudaback | Jones | Peterson, C. | | |

Voting in the negative, 3:

Chambers Schrock Witek

Present and not voting, 1:

Wesely

Excused and not voting, 2:

Abboud Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 695.**

A BILL FOR AN ACT relating to counties; to amend sections 47-120, 47-121, and 83-4,133, Reissue Revised Statutes of Nebraska, and section 47-119, Revised Statutes Supplement, 1996; to define and redefine terms; to change and eliminate provisions relating to costs of maintaining prisoners; to provide for reimbursement for such costs; to create the County Property Tax Relief Program; to provide state aid for counties; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 29-1002 to 29-1005, 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Landis | Robak | Suttle |
| Bohlke | Engel | Lynch | Robinson | Tyson |
| Brashear | Hilgert | Matzke | Schellpeper | Vrtiska |
| Bromm | Hillman | Pedersen, Dw. | Schimek | Wehrbein |
| Coordsen | Hudkins | Pederson, D. | Schmitt | Wickersham |
| Crosby | Jones | Peterson, C. | Schrock | Will |
| Cudaback | Kiel | Preister | Stuhr | Willhoft |
| Dierks | Kristensen | Raikes | | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Bruning | Hartnett | Maurstad | Thompson | Witek |
| Chambers | Jensen | | | |

Present and not voting, 2:

Brown Wesely

Excused and not voting, 2:

Abboud Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 695A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 695, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kristensen | Preister | Schrock |
| Bohlke | Engel | Landis | Raikes | Stuhr |
| Brashear | Hilgert | Lynch | Robak | Tyson |
| Bromm | Hillman | Matzke | Robinson | Vrtiska |
| Coordsen | Hudkins | Pedersen, Dw. | Schellpeper | Wehrbein |
| Crosby | Jones | Pederson, D. | Schimek | Will |
| Cudaback | Kiel | Peterson, C. | Schmitt | Willhoft |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Brown | Chambers | Maurstad | Thompson | Witek |
| Bruning | Hartnett | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Dierks | Jensen | Suttle | Wesely | Wickersham |

Excused and not voting, 2:

Abboud Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 320, 320A, 695, and 695A.

## SELECT FILE

**LEGISLATIVE BILL 1219.** E & R amendment, AM7240, printed separately and referred to on page 1524, was adopted.

Mr. Dierks renewed his pending amendment, AM4143, found on page 1459.

Messrs. Schellpeper, Dw. Pedersen, Hilgert, Cudaback, Mmes. Crosby, and Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 8:

| | | | | |
|---|---|---|---|---|
| Dierks | Landis | Schmitt | Vrtiska | Witek |
| Jones | Robak | Tyson | | |

Voting in the negative, 25:

| | | | | |
|---|---|---|---|---|
| Beutler | Bruning | Hillman | Raikes | Thompson |
| Bohlke | Chambers | Kiel | Robinson | Wehrbein |
| Brashear | Coordsen | Kristensen | Schimek | Wesely |
| Bromm | Elmer | Matzke | Schrock | Wickersham |
| Brown | Engel | Pederson, D. | Suttle | Will |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Hartnett | Lynch | Peterson, C. | Stuhr | Willhoft |
| Jensen | Maurstad | Preister | | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Hudkins | Pedersen, Dw. | Schellpeper |
| Crosby | Hilgert | Janssen | | |

The Dierks amendment lost with 8 ayes, 25 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen offered the following amendment:
AM4312

(Amendments to E & R amendments, AM7240)

1. Insert the following new sections:

"Sec. 18. (1) Temporary mitigation funds shall be distributed to local systems which have property tax and state aid resources for school fiscal year 1998-99 which are less than ninety percent of their property tax and state aid resources for school fiscal year 1997-98. The local system shall receive a lump-sum payment in an amount equal to ninety percent of the 1997-98

property tax and state aid resources minus the 1998-99 property tax and state aid resources if the following criteria are met:

(a) The local system's 1997-98 general fund budget of expenditures minus the special education budget of expenditures did not exceed the 1995-96 general fund budget of expenditures minus the special education budget of expenditures by more than two percent plus the percentage growth in students for the local system; and

(b)(i) The local system has shown an intent to merge, consolidate, or unify with at least one specified high school district by June 1, 1999, through a public affirmative vote by the school board of the high school district in the local system with a majority of the members of the school board signing an affidavit acknowledging that the intent of the signing board member is to proceed with a merger, consolidation, or unification involving the district on the board of which they are serving and that signing such affidavit without the requisite intent is official misconduct pursuant to section 28-924. Affidavits shall be filed with the State Department of Education on or before August 1, 1998;

(ii) The local system is within the sparse cost grouping or the very sparse cost grouping pursuant to section 79-1007.02; or

(iii) The local system is subject to loss of state aid due to clerical error as defined in subsection (4) of section 79-1016.

(2) If the payments due to local systems under this section exceed the amount of funds appropriated by the Legislature, the funds shall be distributed on a pro rata basis to such local systems. Payments shall be made on or before September 15, 1998. Payments to local systems that include Class I districts shall be divided proportionally among the districts in the local system based on the weighted formula students attributed to each district in the local system for the certification of state aid to be paid in the 1998-99 school fiscal year. The department shall identify local systems which qualify for payments under this section and shall distribute the funds to the districts in qualifying local systems.

(3) For purposes of this section:

(a) Local system has the definition found in section 79-1003;

(b) Percentage growth in students means the average daily membership for the 1996-97 school fiscal year divided by the average daily membership for the 1994-95 school fiscal year;

(c) Property tax and state aid resources for school fiscal year 1997-98 means the sum of state aid distributed pursuant to the Tax Equity and Educational Opportunities Support Act for school fiscal year 1997-98 plus the product of the general fund common levy for 1997-98 multiplied by the local system's assessed valuation for 1997; and

(d) Property tax and state aid resources for school

fiscal year 1998-99 means the sum of state aid certified pursuant to the Tax Equity and Educational Opportunities Support Act for school fiscal years 1998-99 plus the product of a levy of one dollar and ten cents per one hundred dollars multiplied by the local system's adjusted valuation for 1998 as certified by the Property Tax Administrator on or before July 1, 1998.

Sec. 19. Section 84-612, Revised Statutes Supplement, 1997, 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 or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) On June 15, 1999, the State Treasurer shall transfer forty million dollars from the Cash Reserve Fund to the General Fund.

(6) On or before September 1, 1998, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund.".

2. On page 31, lines 5 and 6, strike "and 79-1083.02" and insert "79-1083.02, and 84-612".

3. Renumber the remaining sections accordingly.

Mr. Beutler offered the following amendment to the Coordsen pending amendment:
FA676

(Amendments to AM4312)

1. On page 2, after line 8 insert the following new paragraph:

"The temporary mitigation funds provided in this subsection shall be returned if the receiving district does not merge, consolidate, or unify prior to June 30, 2000.".

Messrs. Jones, Schellpeper, Ms. Schimek, and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

**MR. WESELY PRESIDING**

Pending.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1209.** Placed on Select File as amended.
(E & R amendment, AM7244, 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 1154A.** Placed on Select File as amended.
E & R amendment to LB 1154A:
AM7243

1. On page 1, strike beginning with "appropriate" in line 1 through line 3 and insert "amend Laws 1997, LB 389, section 217; to change and eliminate appropriations; to repeal the original section; to outright repeal Laws 1997, LB 389, section 217, as amended by section 143, Legislative Bill 1108, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.".

(Signed) Jon C. Bruning, Chairperson

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 1998, at 10:40 a.m., were the following bills: LBs 320, 320A, 695, and 695A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## MOTION - Print in Journal

Mr. Hartnett filed the following motion to LB 1110:
That LB 1110 becomes law notwithstanding the objections of the Governor.

## REPORT OF THE EXECUTIVE BOARD

1998 Resolutions calling for an Interim Study

LR 302 Interim study to re-authorize the LR 282 Committee of 1997 to continue the study on gender and race equity
Gender Equity Committee

LR 336 Interim study of the inmate classification system used by the Dept. of Correctional Services
Judiciary

LR 344 Interim study of issues relating to juvenile justice
Health and Human Services/Judiciary/Appropriations

LR 347 Interim study of the legal relationship between coaching and teaching assignments in the public schools
Education

LR 348 Interim study to examine the duties of the public defender
Judiciary

LR 349 Interim study of the lop-off provision enacted in LB 806, 1997, relating to school district reorganization and school finance
Education

LR 350 Interim study of the application of Nebraska's tax programs to telecommunications and electronic commerce
Revenue

LR 351 Interim study of the state sales tax base rate and administration
Revenue

LR 352 Interim study of the corporate and individual income tax
Revenue

LR 353 Interim study of the collection of excise and sales or use tax
Revenue

LR 354 Interim study to examine new classifications of municipal law enforcement personnel
Judiciary

LR 355 Interim study of the natural gas industry
Urban Affairs

LR 356 Interim study of mechanisms to encourage public-private partnerships to preserve the agricultural use of existing farmland
Agriculture

LR 357 Interim study relating to the transfer of surface water
Natural Resources

LR 358 Interim study to examine a number of child welfare issues
Health and Human Services

LR 359 Interim study of criminal procedure statutes which provide courts collect obligations owed to the courts for costs resulting from orders or judgments in certain matters
Judiciary

LR 360 Interim study to consider whether Nebr. should enact the Uniform Child Custody Jurisdiction and Enforcement Act
Judiciary

LR 361 Interim study to examine the doctrine of res ipsa loquitur relating to cases involving collision of motor vehicles with livestock
Judiciary/Agriculture

LR 362 Interim study relating to creating a separate juvenile division within the Attorney General's Office
Judiciary

LR 363 Interim study of the requirements of the Administrative Procedure Act relating to promulgation of rules and regulations by the Dept. of Correctional Services
Judiciary

LR 364 Interim study to examine teen court programs in Lancaster and Sarpy counties
Judiciary

LR 365 Interim study to examine the issue of tax increment financing as a tool for economic development
Revenue

LR 366 Interim study to examine creation of another cost grouping for calculating the needs component of the school equalization formula
Revenue/Education

LR 367 Interim study to examine the area of motor fuel sales and tax collection enforcement
Revenue

LR 369 Interim study to examine the possibility of expanding or simplifying greenbelt or devising an alternative approach
Revenue

LR 370 Interim study of the excise taxes on grain used as mortgage security for loans under federal price support programs
Agriculture

LR 371 Interim study of the titling practices of the Dept. of Motor Vehicles
Transportation

LR 372 Interim study of local government financial reports and financial reporting statutes to determine the usefulness and impact
Revenue/Appropriations

LR 373 Interim study to examine ways the state may provide penalties and enforcement against aggressive driving or "road rage"
Transportation

LR 374 Interim study to examine fees associated with the use of automatic teller machines
Banking, Commerce and Insurance

LR 375 Interim study to examine creating a magnetic levitation (MAGLEV) train system between Omaha and Lincoln or other points
Transportation

LR 376 Interim study to examine ways to make schools a safe environment for both students and employees
Education

LR 377 Interim study to examine ways Nebraska can establish a hate crimes taskforce
Judiciary

LR 379 Interim study to examine the feasibility of the Small Farmer Tax Credit and other aspects of providing incentives
Revenue

LR 380 Interim study to consider creation of a Certified Safe Farm Program to reduce the rate of illness and injury in production agriculture
Agriculture

LR 381 Interim study to examine economic development benefits of a welcome center in Nebraska
Revenue

LR 382 Interim study to review commercial drivers' license requirements, training, and testing procedures
Transportation

LR 383 Interim study to examine the implications of enacting LB 508, 1997, the Prison Litigation Reform Act
Judiciary

LR 384 Interim study to investigate the underlying reasons for the higher incidence of preventable diseases among Native Americans
Health and Human Services

LR 385 Interim study to develop legislation relating to alternative medical treatments
Health and Human Services

LR 386 Interim study of the committee structure of the Nebraska Legislature
Executive Board

LR 387 Interim study relating to charter schools
Education

LR 388 Interim study to provide oversight as the Dept. of Roads carries out provisions of LB 255, 1997, the Nebr. Highway-Rail Grade Crossing Safety and Consolidation Act
Transportation

LR 389 Interim study to examine ways the state may provide financial support to both urban and small communities for neighborhood development projects
Appropriations

LR 390 Interim study to examine the net effect of the Quality Jobs Act and Employment and Investment Growth Act on employment
Revenue

LR 391 Interim study to examine ways the state may modify the Nebr. Rules of the Road to address the problem of aggressive driving or "road rage"
Transportation

LR 392 Interim study to review LB 937, 1998, involving telemarketing fraud and telephone solicitations
Transportation

LR 393 Interim study relating to certificates of title for motor vehicles
Transportation

LR 394 Interim study of the structure and division of authority between the carrier enforcement division and other divisions of the State Patrol
Transportation

LR 395 Interim study of the continued viability of highway construction and highway maintenance with respect to the reauthorization of the federal ISTEA legislation
Transportation

LR 396 Interim study relating to retail liquor licenses
General Affairs

LR 397 Interim study relating to Internet gaming activities
General Affairs

LR 398 Interim study relating to charitable gaming activities
General Affairs

LR 399 Interim study relating to horseracing
General Affairs

LR 400 Interim study relating to consumption of liquor by individuals under the age of twenty-one
General Affairs

LR 401 Interim study of the method of allocating State Lottery Act revenue
General Affairs

LR 402 Interim study of issues which affect affordable access to telecommunications and information technology under the federal Telecommunications Act of 1996
Transportation

LR 403 Interim study of the enforcement powers of the Public Service Commission with respect to enforcement of interconnection agreements and access charges
Transportation

LR 404 Interim study to monitor changes in the federal Telecommunications Act of 1996 and policies promulgated by the FCC
Transportation

LR 405 Interim study to examine the high cost of automobile insurance and find alternatives to territorial rating
Banking, Commerce and Insurance

LR 406 Interim study of the legislative appropriations and budgeting process
Executive Board

LR 407 Interim study of the State Scholarship Award Program, the Scholarship Assistance Program, and the Postsecondary Education Award Program
Appropriations/Education

LR 408 Interim study of the impact of the proposed resolution of the tobacco settlement and the federal cigarette tax increase on state program funding levels
Health and Human Services

LR 409 Interim study of changes occurring in the profession of public accountancy
Banking, Commerce and Insurance

LR 410 Interim study to determine whether Nebraska should revise its statutes regarding banking and finance
Banking, Commerce and Insurance

LR 411 Interim study to determine whether Nebraska should revise its statutes regarding the filing system for the perfecting of liens and security interests
Banking, Commerce and Insurance

LR 412 Interim study whether Nebraska should adopt the Uniform Principal and Income Act (1997) in place of Nebraska's version of the 1962 act
Banking, Commerce and Insurance

LR 413 Interim study whether Nebraska should adopt the Revised Uniform Simultaneous Death Act
Health and Human Services

LR 414 Interim study whether Nebraska should adopt the Revised Uniform Testamentary Additions to Trusts Act
Judiciary

LR 415 Interim study whether Nebraska should revise the Property and Casualty Insurance Rate and Form Act
Banking, Commerce and Insurance

LR 416 Interim study whether Nebraska should revise statutes regarding continuing education requirements and licensing provisions for insurance producers
Banking, Commerce and Insurance

LR 417 Interim study of Nebraska's regulatory authority over various types of managed care arrangements
Banking, Commerce and Insurance

LR 418 Interim study to conduct a risk assessment of the Medicaid Program to assist with planning for future costs
Appropriations

LR 419 Interim study to review matters which are within the jurisdiction of the Urban Affairs Committee
Urban Affairs

LR 420 Interim study to review provisions of LB 1340, 1998, relating to licensing of plumbers
Urban Affairs

LR 421 Interim study of Nebraska's housing authority statutes
Urban Affairs

LR 422 Interim study of the planning and zoning authority of cities and villages
Urban Affairs

LR 423 Interim study of the legislative and congressional redistricting process
Government, Military and Veterans Affairs

LR 424 Interim study of the Nebraska livestock brand law
Agriculture

LR 425 Interim study to determine if legislation can be developed to enforce fair market competition for all livestock producers
Agriculture

LR 426 Interim study to review the Nebraska Workers' Compensation Act, the Comm. of Industrial Relations, unemployment insurance, and other matters
Business and Labor

LR 427 Interim study of the tort claims procedure, case law, total amount of awards, and limiting liability of the state
Business and Labor

LR 428 Interim study to examine enforcement by the Dept. of Motor Vehicles on persons driving without a valid license, without registration, or without proof of insurance
Transportation

LR 429 Interim study of the effects of including officers of the State Patrol within provisions of the social security system
Nebraska Retirement Systems

LR 430 Interim study of statutory provisions governing the Nebraska Investment Council relating to investment of assets of the public employees retirement systems
Nebraska Retirement Systems

LR 431 Interim study to authorize a comprehensive study of the benefits provided by the public employees retirement systems
Nebraska Retirement Systems

LR 432 Interim study of the provisions of the Uniform Management of Public Employees Retirement Systems Act
Nebraska Retirement Systems

LR 433 Interim study to examine Nebraska's overall tax system
Revenue

LR 434 Interim study of the provisions of group health insurance covering public employees
Banking, Commerce and Insurance

LR 435 Interim study to consider a major tax change plan
Revenue

LR 436 Interim study of the policy of deputizing railroad employees
Transportation

LR 437 Interim study to examine possible statutory authority for clemency in Nebraska for imprisoned battered women, imprisoned juvenile victims, and certain imprisoned juveniles
Judiciary

LR 438 Interim study to review Child Care Rules and Regulations
Health and Human Services

LR 439 Interim study to examine issues within the jurisdiction of the Agriculture Committee
Agriculture

LR 440 Interim study to determine the number of behavioral disordered students who do not complete high schools and alternative educational settings
Education

LR 441 Interim study of the procedure for serving and returning summonses, subpoenas, orders and various other notices
Judiciary

LR 442 Interim study to review progress in the development of management plans on the Niobrara National Scenic River and the Missouri/Niobrara/Verdigre Creek National Recreational River
Natural Resources

LR 443 Interim study to review requirements for public lands for wildlife habitat, hunting, fishing, and other outdoor recreation
Natural Resources

LR 444 Interim study to examine fertilizer use and agricultural, ornamental, and speciality pesticide use in Nebraska
Natural Resources

LR 445 Interim study regarding development of LB 922, 1998, relating to recodification of the Game Law
Natural Resources

LR 446 Interim study relating to ethanol production
Natural Resources

LR 447 Interim study to examine practices of other states using administrative penalties for environmental violations
Natural Resources

LR 448 Interim study to examine possible sources of alternative funding to replace lost federal money for wildlife and outdoor recreational needs
Natural Resources

LR 449 Interim study to review LB 806, 1997, to devise a workable independent budget formula for Class I school districts which will be compatible with their affiliated high school districts
Education

LR 450 Interim study to examine the public benefit and consumer protection issues in establishing standards for food products marketed using the term "organic"
Agriculture

LR 451 Interim study to review operations of and statutory framework for agricultural and horticultural land valuation boards
Revenue

LR 452 Interim study to examine how taxes in Nebraska compare to neighboring states
Revenue

LR 453 Interim study to investigate the economic impact of net-metering policies in other states, and to survey Nebraska's utilities buy back price
Natural Resources

LR 454 Interim study of the feasibility of developing an international airport in eastern Nebraska
Transportation

LR 455 Interim study to examine benefits which would result from improving the stormwater facilities of Antelope Creek in Lincoln
Natural Resources

LR 456 Interim study to review various Intelligent Transportation Systems (ITS) projects
Transportation

LR 457 Interim study of the impact of the Tax Equity and Educational Opportunities Support Act on rural schools, rural taxpayers, and communities
Education

LR 458 Interim study relating to homestead exemptions
Revenue

LR 459 Interim study to examine meeting the requirements of water quality standards under the federal Clean Water Act
Natural Resources

LR 460 Interim study to review livestock waste control regulation and the inspection and permitting program
Natural Resources

LR 461 Interim study of the impact that the south and east beltways planned by the city of Lincoln will have for the State of Nebraska
Transportation

LR 462 Interim study to examine the Landlord and Tenant Act
Judiciary

LR 463 Interim study to examine the effectiveness of the Commission of Industrial Relations in settling labor disputes
Business and Labor

LR 464 Interim study to consider a limitation on spending by the state
Appropriations/Revenue

LR 465 Interim study on prison privatization
Judiciary

LR 466 Interim study to examine establishment of a Women's Health Office within the Dept. of Health and Human Services
Health and Human Services

LR 467 Interim study to review the degree to which welfare reforms hinder individuals from achieving self-sufficiency
Health and Human Services

LR 468 Interim study to review the "asset poor" and those on public assistance in Nebraska
Health and Human Services

LR 469 Interim study regarding the sale of isolated land by the Board of Educational Lands and Funds
Transportation

LR 470 Interim study to examine the intents and purposes of the Child Abuse and Neglect Central Registry
Health and Human Services

LR 471 Interim study to determine whether the appellate jurisdiction should be entirely removed from the district courts in certain county court cases
Judiciary

LR 472 Interim study to examine whether Nebraska should proceed with litigation against the tobacco industry
Health and Human Services

LR 473 Interim study to update the study of student aid and assistance available to students attending Nebraska institutions of postsecondary education
Education

LR 474 Interim study to examine the extent of damage and costs for replanting trees as a result of the October 1997 snow storm
Natural Resources

LR 475 Interim study to examine future support of the School-To-Work Program
Business and Labor/Education

LR 476 Interim study of health and human services issues
Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## VISITORS

Visitors to the Chamber were Nick Kumpula and Beth Barry from Raymond; 42 fourth grade students and teachers from St. Wenceslaus School, Wahoo; 60 eighth grade students and teachers from Columbus; Senator Robinson's wife, Janice, and Neva and Don Adamson from Blair; 35 fifth grade students and teacher from Sandoz Elementary School, Lexington; a group from GFWC Nebraska Federation of Women's Clubs from across the state; and 16 students and sponsor from Gross High School, Omaha.

## RECESS

At 12:02 p.m., on a motion by Mrs. Witek, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Janssen who was excused; and Messrs. Abboud, Landis, Lynch, Robinson, Tyson, Wesely, Will, Mmes. Hillman, Robak, Stuhr, and Witek who were excused until they arrive.

## MOTIONS - Print in Journal

Mr. Chambers filed the following motion to LB 504:
Recommit to Committee.

Mr. Chambers filed the following motion to LB 504:
Bracket until April 15, 1998.

## AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 504:

FA681
Strike Enactment Clause.

FA682
Page 5, line 23, strike beginning with "(k)" through the period in line 24.

FA683
Page 7, line 3, strike the new language and reinstate the stricken language.

FA684
1. Page 7, line 28, strike the new language and reinstate the stricken language;
2. Page 8, line 3, strike "fourteen" and insert, "twenty one"; line 13, strike the new matter and reinstate the stricken matter.

FA685
1. Page 7, line 28, strike "five" and insert, "fourteen", and strike "seven" and insert, "fourteen".
2. Page 8, line 3, strike "fourteen" and insert, "twenty one"; line 13, strike the new matter and reinstate the stricken matter.

FA686
1. Page 5, strike lines 23 and 24;
2. Page 7, line 3, strike new language and reinstate the stricken language; line 28, strike new language and reinstate stricken language; page 8, lines 1-3, strike new language; line 13, strike the new matter and reinstate stricken matter.

FA687
1. Page 7, line 6, strike the new language and reinstate the stricken language,
2. In lines 20 and 21, strike the new language and reinstate the stricken language.

FA688
Page 7, line 2, strike beginning with "except" through the comma in line 4.

FA689
1. Page 8, line 3, strike, "The" and insert, "Unless the tenant requests a trial by jury,".
2. In line 13, strike the new matter and reinstate the stricken matter.

FA690
Page 8, line 13, strike the new language and reinstate the stricken language.

FA691
Page 8, line 18, strike " , 76-1416".

FA692
Page 8, line 19, strike "76-1446".

FA693
Page 8, line 18, strike beginning with "sections" through the comma in line 19, and insert, "section 76,2,120"; strike "are" and insert, "is".

## SELECT FILE

**LEGISLATIVE BILL 1219.** The Beutler pending amendment, FA676, found on page 1624, to the Coordsen pending amendment, AM4312, found on page 1622, was renewed.

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. Beutler requested a record vote on his amendment.

Voting in the affirmative, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Hillman | Pedersen, Dw. | Schimek | Thompson |
| Elmer | Kiel | Raikes | Suttle | Wesely |
| Hartnett | | | | |

Voting in the negative, 19:

| | | | | |
|---|---|---|---|---|
| Bromm | Hudkins | Matzke | Schrock | Wehrbein |
| Bruning | Jones | Peterson, C. | Stuhr | Wickersham |
| Coordsen | Kristensen | Schellpeper | Tyson | Willhoft |
| Dierks | Landis | Schmitt | Vrtiska | |

Present and not voting, 14:

| | | | | |
|---|---|---|---|---|
| Bohlke | Chambers | Engel | Maurstad | Robinson |
| Brashear | Crosby | Hilgert | Pederson, D. | Witek |
| Brown | Cudaback | Jensen | Preister | |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Lynch | Robak | Will |

The Beutler amendment lost with 11 ayes, 19 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Bruning and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the Coordsen pending amendment:
FA675
Amend AM4312
Strike the new language on page 4

**MRS. CROSBY PRESIDING**

Messrs. Maurstad and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Willhoft offered the following amendment to the Coordsen pending amendment:
FA678
Amend AM4312
On page 1, line 7 strike "ninety" and insert "eighty-seven and one half"; in line 9 after if add "one of"; strike in line 10 beginning with "(a) through the "and" in line 15; in line 16 strike "(b)" and insert "(a)".

Mr. Willhoft asked unanimous consent to replace his pending amendment, FA678, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Willhoft withdrew his amendment, FA678, found in this day's Journal.

Mr. Willhoft offered the following substitute amendment to the Coordsen pending amendment:
FA694
Amend AM4312
1. On page 2, line 5, after ";" insert
"(iii) The local system contains more than 175 square miles;".
2. On page 2, line 6, strike "(iii)" and insert "(iv)".
3. On page 2, line 24, strike beginning with "the" through "year" on line 26 and insert "the growth in students calculated for 1996-97 and 1997-98 pursuant to section 79-1025, except that growth in students is calculated for local systems and may be negative for each year for the purpose of adding the two growth rates together, but the two year percentage growth rate shall be zero if the sum of the two years growth in students is negative.

Mr. Willhoft moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

Mr. Willhoft requested a roll call vote on his amendment.

Voting in the affirmative, 3:

| | | |
|---|---|---|
| Schellpeper | Schrock | Willhoft |

Voting in the negative, 20:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Landis | Pederson, D. | Tyson |
| Brashear | Hilgert | Matzke | Raikes | Wehrbein |
| Coordsen | Hillman | Maurstad | Schimek | Wickersham |
| Elmer | Kristensen | Pedersen, Dw. | Thompson | Witek |

Present and not voting, 17:

| | | | | |
|---|---|---|---|---|
| Bohlke | Cudaback | Jensen | Preister | Suttle |
| Bromm | Dierks | Jones | Schmitt | Vrtiska |
| Chambers | Hartnett | Peterson, C. | Stuhr | Wesely |
| Crosby | Hudkins | | | |

Excused and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Kiel | Robak | Will |
| Brown | Janssen | Lynch | Robinson | |

The Willhoft amendment lost with 3 ayes, 20 nays, 17 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

**AMENDMENTS - Print in Journal**

Mr. Jensen filed the following amendment to LB 1129:
AM4212

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new sections:

"Section 1. For purposes of sections 1 to 5 of this act:

(1) Energy conservation measure means a training, service, or operations program or facility alteration designed to reduce energy consumption. Energy conservation measure includes:

(a) Repair or renovation of heating, ventilation, and air conditioning systems;

(b) Installation or repair of automated or computerized energy control systems;

(c) Replacement or modification of lighting fixtures;

(d) Insulation of a building structure or systems within that structure;

(e) Installation of energy recovery systems;

(f) Installation of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(g) Replacement, weatherstripping, caulking, or other insulation of windows or doors; or

(h) Any other measure designed to reduce energy consumption;

(2) Energy financing contract means an agreement between an energy service company and a governmental unit for the implementation of one or more energy conservation measures in an existing facility in exchange for a portion of the energy cost savings produced. Energy financing contract includes, but is not limited to, a performance contract, shared-savings contract, guaranteed contract, and lease-purchase contract;

(3) Energy service company means a person or business experienced in the implementation and installation of energy conservation measures and fully accredited by the National Association of Energy Service Companies; and

(4) Governmental unit means a school district, village, city, county, or department or agency of the State of Nebraska.

Sec. 2. Notwithstanding the procedures for public lettings in sections 73-101 to 73-106 or any other statute of the State of Nebraska relating to the letting of bids by a governmental unit, a governmental unit may enter into an energy financing contract with an energy service company pursuant to sections 1 to 5 of this act.

Sec. 3. (1) Prior to entering into an energy financing contract, a governmental unit shall obtain a written opinion from a professional engineer licensed in the State of Nebraska whose

interests are independent from the financial savings outcome of the contract. The opinion shall contain a review of recommendations proposed by an energy service company pertaining to energy conservation measures designed to reduce energy consumption to the governmental unit.

(2) At least fourteen days prior to entering into an energy financing contract, a governmental unit shall furnish public notice of its intention to enter into such contract, the general nature of the proposed work being considered under the contract, and the name and telephone number of a person to be contacted by any energy service company interested in submitting a proposal to contract for such work. The governmental unit shall also directly solicit requests for qualifications from at least three energy service companies relating to the proposed contract.

(3) Upon receiving responses to its request for qualifications pursuant to subsection (2) of this section, the governmental unit may select the most qualified energy service company based on the company's experience, technical expertise, and financial arrangements, the overall benefits to the governmental unit, and other factors determined by the governmental unit to be relevant and appropriate. The governmental unit may thereafter negotiate and enter into an energy financing contract pursuant to section 4 of this act with the company selected based on the criteria established by the governmental unit.

Sec. 4. (1) Any energy financing contract entered into by a governmental unit shall:

(a) Detail the responsibilities of a Nebraska-licensed professional engineer in the design, installation, and commissioning of the energy conservation measures selected by the governmental unit. Any design shall conform to all statutes of the State of Nebraska pertaining to engineering design and public health, safety, and welfare;

(b) Set forth the calculated energy cost savings during the contract period attributable to the energy conservation measures to be installed by the energy service company. Operational savings may be included in the total savings amount, not guaranteed, but approved by the governmental unit;

(c) Estimate the useful life of each of the selected energy conservation measures;

(d) Provide that, except for obligations on termination of the contract prior to its expiration, payments on the contract are to be made over time, within a period not to exceed fifteen years after the date of the installation of the energy conservation measures provided for under the contract;

(e) Provide that the calculated savings for each year of the contract period will meet or exceed all payments to be made during each year of the contract;

(f) Disclose the effective interest rate being charged by the energy service company; and

(g) In the case of a guaranteed savings contract, set forth the method by which savings will be calculated and a method of resolving any dispute in the amount of the savings. The energy service company shall have total responsibility for the savings guarantee for each guaranteed savings contract.

(2) An energy service company entering into an energy financing contract shall provide a performance bond to the governmental unit in an amount equal to one hundred percent of the total cost of the contract to assure the company's faithful performance. The energy service company shall also supply a guarantee bond equal to one hundred percent of the guaranteed energy savings for the entire term of the contract. For purposes of this section, total cost means all costs associated with the design, installation, modification, commissioning, maintenance, and financing of all energy conservation measures contemplated under the contract.

Sec. 5. An energy financing contract may extend beyond the fiscal year in which it becomes effective and shall allow the governmental unit to cancel the contract for the nonappropriation of funds. An obligation created by an energy financing contract entered into or indebtedness incurred pursuant to this section shall not constitute or give rise to an indebtedness within the meaning of any constitutional, statutory, or board debt limitation.

Sec. 6. Section 79-10,105, Revised Statutes Supplement, 1997, is amended to read:

79-10,105. The school board or board of education of any public school district may enter into a lease or lease-purchase agreement for the exclusive use of its individual jurisdiction for such buildings or equipment as the board determines necessary. Such lease or lease-purchase agreements may not exceed a period of seven years, except that lease-purchase agreements entered into as part of an energy financing contract pursuant to section 4 of this act may not exceed a period of fifteen years. All payments pursuant to such leases shall be made from current building funds or general funds. No school district shall directly or indirectly issue bonds to fund any such lease-purchase plan for a capital construction project exceeding twenty-five thousand dollars in costs unless it first obtains a favorable vote of the legal voters pursuant to Chapter 10, article 7. This section does not prevent the school board or board of education of any public school district from refinancing a lease or lease-purchase agreement without a vote of the legal voters for the purpose of lowering finance costs regardless of whether such agreement was entered into prior to July 9, 1988.".

2. On page 11, line 8, after "sections" insert "79-10,105," and after "81-1108.43" insert a comma.

3. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 1174:
AM4299

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 81-15,102, Revised Statutes Supplement, 1997, is amended to read:

81-15,102. (1) The state shall accept or acquire, by gift, transfer, or purchase, from the licensed facility operator, title to the land and appurtenances used for the disposal of low-level radioactive waste after the expiration of both the operational life and closure period of the facility, if:

(a) Both the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality determine that (i) the requirements for site closure, decommissioning, and decontamination adopted pursuant to rules and regulations of the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality which are allowed under federal law have been met by the licensed facility operator and (ii) such operator is in compliance with all financial requirements; and

(b) The amendments to the Central Interstate Low-Level Radioactive Waste Compact made by Laws 1991, LB 837, section 4, codified in section 71-3521, are in effect and have been ratified by Congress.

The title to the land and appurtenances shall be transferred without cost to the state. Such transfer of title to the state does not relieve the developer, licensed facility operator, or generators of such waste from liability for their actions that occurred whether known or unknown during the design, construction, operation, and closure of the facility. Sites received by gift or transfer shall be subject to approval and acceptance by the Legislature on behalf of the state.

(2) The applicant shall notify the Governor and the Legislature before beginning any onsite geological activity, such as soil core sampling, to determine the suitability of a site in the State of Nebraska for use as a facility.

(3) Lands and appurtenances which are used for the disposal of low-level radioactive waste shall be acquired and held in fee simple absolute by the licensed facility operator so long as such ownership does not preclude licensure or operation of the facility under federal law and until title to the land and appurtenances is transferred to the state pursuant to subsection (1) of this section. Such lands and appurtenances shall be used exclusively for the disposal of low-level radioactive waste until the department determines that such exclusive use is not required to protect the public health, safety, welfare, or environment. Before such a site is leased for other use, the department shall require and assure that the radioactive waste history of the site be recorded in the permanent land records of the site. Remedial

cleanup costs which become necessary during the period of custodial care shall be assessed first to the licensed facility operator, then proportionately against the generators of the radioactive waste and as set out in the Central Interstate Low-Level Radioactive Waste Compact found in section 71-3521.

(4) The state may contract for the management of a disposal site. The contractor shall be subject to licensing by the department and shall be subject to the surety and custodial care funding provisions of section 81-15,103.

(5) If and until licensing of a facility operator is approved, no further construction contracts shall be let or actual construction begun, other than filling the identified wetland, before the Department of Environmental Quality has conducted a six-month public education program to inform the people of the county and the people of the state of the exact characteristics of the facility to be built, which program shall be undertaken forthwith.

Sec. 2. The Executive Board of the Legislative Council in conjunction with the Natural Resources Committee of the Legislature shall conduct an interim study on the legal consequences of withdrawing from the Central Interstate Low-Level Radioactive Waste Compact. It is the intent of the Legislature that $150,000 of federal rebate funds appropriated to the Department of Environmental Quality for FY1998-99 shall be transferred to the Executive Board of the Legislative Council to hire legal counsel for advice on such issues.

Sec. 3. Section 81-15,113.01, Revised Statutes Supplement, 1997, is amended to read:

81-15,113.01. (1) There is hereby created the Community Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through ~~1997~~ 1998 remit to the department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any

money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or proposed to be located to be distributed to each political subdivision which levied property taxes on the property where the facility is located or proposed to be located. The money shall be distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Property Tax Administrator pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.

Sec. 4. Original sections 81-15,102 and 81-15,113.01, Revised Statutes Supplement, 1997, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Bromm filed the following amendment to LB 309:
AM4334

(Amendments to Final Reading copy)

1. On page 51, line 25, strike "hearing" and insert "arresting peace".

## APPROPRIATIONS COMMITTEE REPORT ON LB 1108

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB 1108 as outlined in the attached schedule, "LB 1108 Veto Amounts by Agency and Program."

Total vetoes contained in the bill are as follows:

| Fund | FY1997-98 | FY1998-99 |
|---|---|---|
| General | $ 749,546 | $2,455,366 |
| Cash | 5,028 | 51,520 |
| Federal | | 1,099,574 |
| Building (Source is General) | | $2,000,000 |
| Total, All Fund Types | $ 754,574 | $5,606,460 |
| Personal Services Limit | | 50,000 |

The proposed vetoes may adversely affect state government operations in several areas.

The Appropriations Committee will make a formal recommendation on veto overrides at a later time.

(Signed) Roger R. Wehrbein, Chairperson
Appropriations Committee

## APPROPRIATIONS COMMITTEE REPORT ON LB 1110

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's veto of LB 1110, and its impact to the General Fund Financial Status. LB 1110 and its companion A bill were part of the Appropriations Committee recommendation during the 1998 session.

The Governor's veto of LB 1110 reverses the Appropriations Committee recommendation to cancel annual transfers of $20 million in each of the next three years, beginning in FY1998-99, from the General Fund to the Property Tax Reduction Incentive Fund. The Committee recommendation results in the appropriation and expenditure transactions coming directly from the General Fund; no transfers would be made out of the fund, and, as contained

in LB 1110A, the amount of $9.7 million of aid to Educational Service Units would be distributed in a manner as set forth in LB 1110, from the General Fund.

The General Fund Financial Status as of Wednesday, April 1, is distorted by the veto of LB 1110 combined with the Governor's signing of LB 1110A, resulting in a duplicative financial obligation of a $20 million transfer out of the General Fund (a reduction to estimated receipts/funds available) and a valid $9.7 million General Fund appropriation in the A bill for FY1998-99. No appropriation authority exists to expend from the Property Tax Reduction Incentive Fund, the recipient of the $20 million transfer, however, because of the veto the State Treasurer will still be obligated to make a transfer to the Property Tax Reduction Incentive Fund.

LB 1110 was intended simply to properly recognize General Fund costs as coming directly from the General Fund and to complete the process set in motion during the 1997 session--the securing of future resources for the general objective of redistribution to political subdivisions as authorized by the 1998 legislature.

The Appropriations Committee recommends by unanimous vote, the override of the Governor's veto of LB 1110.

(Signed) Roger R. Wehrbein, Chairperson
Appropriations Committee

**MOTION - Print in Journal**

The Appropriations Committee filed the following motion to LB 1110:
Pursuant to Rule 6, Section 14, that LB 1110 becomes law notwithstanding the objections of the Governor.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 341A.** Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB387, section 70; Laws 1997, LB 389, section 103; Laws 1997, LB 389, sections 92 and 99, as amended by sections 113 and 116, respectively, Legislative Bill 1108, Ninety-fifth Legislature, Second Session, 1998; and Legislative Bill 1108, Ninety-fifth Legislature, Second Session, 1998, section 33; to appropriate funds to aid in carrying out the provisions of Legislative Bill 341, Ninety-fifth Legislature, Second Session, 1998; to repeal the original sections; and to declare an emergency.

## SELECT FILE

**LEGISLATIVE BILL 1219.** Messrs. Bromm, Coordsen, and Beutler offered the following amendment to the Coordsen pending amendment: FA695

Amend AM4312

Page 2 line 3, insert "The temporary mitigation funds provided in this subsection shall be returned if the receiving district does not merge, consolidate or unify prior to June 30, 2000. The temporary mitigation funds need not be returned if, prior to June 30, 2000, the receiving district is unable as determined by the state reorganization committee to merge, consolidate or unify despite good faith efforts because all districts with which the receiving district could reasonably be expected to merge, consolidate or unify declined such merger, consolidation or unification.

Page 1 line 23 after "serving" put a period and strike remainder

Page 2 strike lines 1 through the period in line 2

The Bromm-Coordsen-Beutler amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Coordsen pending amendment, AM4312, found on page 1622, as amended, was renewed.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Coordsen moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Bromm | Engel | Landis | Schrock | Wehrbein |
| Coordsen | Hartnett | Matzke | Stuhr | Wickersham |
| Cudaback | Hudkins | Maurstad | Tyson | Willhoft |
| Dierks | Jones | Schellpeper | Vrtiska | Witek |
| Elmer | Kristensen | Schmitt | | |

Voting in the negative, 12:

| | | | | |
|---|---|---|---|---|
| Beutler | Chambers | Jensen | Raikes | Wesely |
| Brashear | Crosby | Pedersen, Dw. | Thompson | Will |
| Brown | Hilgert | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Bohlke | Kiel | Peterson, C. | Schimek | Suttle |
| Hillman | Pederson, D. | Preister | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Lynch | Robak | Robinson |
| Bruning | | | | |

The Coordsen amendment, as amended, lost with 23 ayes, 12 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen withdrew his amendment, AM4271, found on page 1568.

Mrs. Bohlke and Mr. Raikes renewed their pending amendment, AM4256, found on page 1570.

The Bohlke-Raikes amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
AM4346

(Amendments to E & R amendments, AM7240)

1. On page 8, line 14, after "more" insert "contiguous";
and in line 18 after "districts" insert "contiguous to one or more of the Class II or III districts participating in the interlocal agreement".

The Beutler amendment lost with 6 ayes, 17 nays, 20 present and not voting, and 6 excused and not voting.

Mr. Hartnett and Mrs. Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4338.)

The Bohlke amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Beutler offered the following amendment:
AM4303

(Amendments to E & R amendments, AM7240)

1. On page 8, strike beginning with "and" in line 21 through the first comma in line 23 and insert "for a maximum term of seven years. During the first seven years of unification, the unified system board".
2. On page 10, line 1, after the period insert "The

unified system shall have a board composed of school board members, with at least one school board member from each district, selected by the school boards, except that if the unified system continues beyond seven years the members of the unified system board shall be elected in the same manner as would a member of a school board in the class of district as designed for the unified system in subsection (3) of this section.".

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Landis | Thompson | Wesely | Will |
| Hilgert | | | | |

Voting in the negative, 10:

| | | | | |
|---|---|---|---|---|
| Crosby | Maurstad | Schrock | Tyson | Wickersham |
| Dierks | Raikes | Stuhr | Vrtiska | Willhoft |

Present and not voting, 26:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Hudkins | Matzke | Schellpeper |
| Bohlke | Cudaback | Jensen | Pedersen, Dw. | Schimek |
| Brashear | Elmer | Jones | Pederson, D. | Schmitt |
| Bromm | Engel | Kiel | Peterson, C. | Wehrbein |
| Brown | Hillman | Kristensen | Preister | Witek |
| Chambers | | | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Bruning | Janssen | Robak | Robinson | Suttle |
| Hartnett | Lynch | | | |

The Beutler amendment lost with 6 ayes, 10 nays, 26 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.

Mr. Wesely moved to reconsider the vote on the Coordsen amendment, AM4312, as amended by FA695, to LB 1219.

Mr. Coordsen moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Coordsen requested a roll call vote on the Wesely motion to reconsider.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Kristensen | Schellpeper | Vrtiska |
| Brashear | Engel | Landis | Schimek | Wehrbein |
| Bromm | Hartnett | Matzke | Schmitt | Wesely |
| Bruning | Hudkins | Maurstad | Schrock | Wickersham |
| Coordsen | Jensen | Peterson, C. | Stuhr | Willhoft |
| Cudaback | Jones | Preister | Tyson | Witek |
| Dierks | | | | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Raikes | Thompson | Will |
| Chambers | Pedersen, Dw. | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Hilgert | Hillman | Kiel | Pederson, D. |
| Brown | | | | |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Janssen | Lynch | Robak | Robinson | Suttle |

The Wesely motion to reconsider prevailed with 31 ayes, 7 nays, 6 present and not voting, and 5 excused and not voting.

The Coordsen reconsidered amendment, AM4312, found on page 1622, as amended, was renewed.

The Coordsen amendment, as amended, was adopted with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

**SPEAKER KRISTENSEN PRESIDING**

**LEGISLATIVE BILL 1219A.** Mr. Coordsen renewed his pending amendment, AM4272, found on page 1576.

The Coordsen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. Cudaback 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 1354A.** 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 1354, Ninety-fifth Legislature, Second Session, 1998.

## SELECT FILE

**LEGISLATIVE BILL 1028.** E & R amendment, AM7238, printed separately and referred to on page 1474, was adopted.

Mrs. Suttle asked unanimous consent to replace her pending amendment, AM3777, found on page 1067, with a substitute amendment. No objections. So ordered.

Mrs. Suttle withdrew her amendment, AM3777, found on page 1067.

Mrs. Suttle renewed her substitute pending amendment, AM4317, found on page 1600.

Mr. Raikes offered the following amendment to the Suttle pending amendment:
AM4320

(Amendments to AM4317)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike original sections 1 and 4 and insert the following new sections:

'Section 1. Section 77-2715.02, Revised Statutes Supplement, 1997, 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~~ For taxable years beginning or deemed to begin before January 1, 1999, 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) For taxable years beginning or deemed to begin on or after January 1, 1999, and before January 1, 2001, the income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,400, $32,000, and $50,000, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,200, $16,000, and $25,000 for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(c) For taxable years beginning or deemed to begin on or after January 1, 2001, the income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500 for single returns and married filing separate returns;

(ii) $0, $4,800, $34,000, and $53,000 for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000 for head of household returns; and

(iv) $0, $500, $4,700, and $15,150 for estates and trusts;

(d) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

~~(c)~~ (e) The amount in column D shall be the rate on the income in excess of the amount in column E;

~~(d) Except as provided in subdivision (2)(c) of this section, 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;~~

~~(e) For tax years 1997 and 1998, the~~ (f) 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 .6784, .9432, 1.3541, and 1.8054;

~~(f)~~ (g) 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

~~(g)~~ (h) 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. 4. Section 77-2716.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716.01. (1) Every individual shall be allowed to subtract from his or her income tax liability an amount for personal exemptions. The amount allowed to be subtracted shall be the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be eighty-six dollars; for tax year 1998, the credit amount shall be eighty-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. The ~~sixty-five-dollar~~ eighty-eight-dollar credit amount shall be adjusted for cumulative inflation since ~~1993~~ 1998. If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. For tax year 1994 and each tax year thereafter, the income levels stated in this subsection shall be

adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any income level in this subsection is not a multiple of one thousand dollars, the amount shall be rounded to the next highest multiple of one thousand dollars.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return except as the amount is adjusted under section 77-2716.03, and for taxable years beginning or deemed to begin on or after January 1, 1999, individuals filing married filing joint returns shall be allowed to subtract a standard deduction equal to the federal standard deduction plus an adjustment for two-earner families. The adjustment for two-earner families shall be equal to the total difference between the federal standard deduction for married filing joint returns and twice the federal standard deduction for single filers multiplied times a fraction, the numerator of which is the total wages and net earnings from self-employment as defined in section 1402 of the Internal Revenue Code of 1986, as amended, of the spouse with the lower total wages and net earnings from self-employment, and the denominator of which is the total wages and net earnings from self-employment of the other spouse.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or the amount before the federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 77-2716.03.'.".

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

**MR. BRASHEAR PRESIDING**

Mrs. Bohlke and Mr. Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Raikes withdrew his amendment.

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. Wesely moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, and 21 not voting.

Mrs. Suttle requested a roll call vote on her amendment.

Voting in the affirmative, 16:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kiel | Robinson | Tyson |
| Brown | Hilgert | Maurstad | Suttle | Will |
| Bruning | Jensen | Preister | Thompson | Witek |
| Crosby | | | | |

Voting in the negative, 24:

| | | | | |
|---|---|---|---|---|
| Bromm | Hillman | Lynch | Schellpeper | Wehrbein |
| Chambers | Hudkins | Matzke | Schimek | Wesely |
| Coordsen | Jones | Pederson, D. | Schrock | Wickersham |
| Elmer | Kristensen | Peterson, C. | Stuhr | Willhoft |
| Hartnett | Landis | Raikes | Vrtiska | |

Present and not voting, 3:

| | | |
|---|---|---|
| Brashear | Engel | Schmitt |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Janssen | Pedersen, Dw. | Robak |
| Bohlke | | | | |

The Suttle amendment lost with 16 ayes, 24 nays, 3 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

**AMENDMENT - Print in Journal**

Mr. Will filed the following amendment to LB 512:
AM4329

(Amendments to Final Reading copy)

1. Strike sections 1 to 6 and insert the following sections:

"Section 1. Section 43-284, Revised Statutes Supplement, 1997, is amended to read:

43-284. When any juvenile is adjudged to be under subdivision (3) or (4) of section 43-247, the court may permit such juvenile to remain in his or her own home subject to supervision or may make an order ~~committing the juvenile to (1) the care of some~~

placing the care and custody of the juvenile with (1) a suitable institution, (2) ~~inpatient or outpatient treatment at~~ a mental health facility or mental health program for inpatient or outpatient treatment, (3) ~~the care of some~~ a reputable citizen of good moral character, (4) ~~the care of some~~ an association willing to receive the juvenile embracing in its objects the purpose of caring for or obtaining homes for such juveniles, which association is ~~shall have been~~ accredited as provided in section 43-296, (5) ~~the care of~~ a suitable family, or (6) ~~the care and custody of~~ the Department of Health and Human Services. The care and custody ordered under subdivisions (1), (2), or (4) of this section shall be at an institution, a facility or program, or a home located within the State of Nebraska.

Under subdivision (1), (2), (3), (4), or (5) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, education, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, education, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until suitable provisions may be made for the juvenile without such payment. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund.

The amount to be paid by a county for education pursuant to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed and shall be paid only for education in kindergarten through grade twelve.

The court may enter a dispositional order removing a juvenile from his or her home only upon a written determination that continuation in the home would be contrary to the welfare of such juvenile and that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from his or her home and to make it possible for the juvenile to return.

Sec. 2. Section 43-286, Revised Statutes Supplement, 1996, is amended to read:

43-286. Notwithstanding the provisions of sections 43-251 and 43-253 to 43-257, no juvenile shall be confined in any jail as a disposition of the court. When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247:

(1) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged when the same is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(a) Place the juvenile on probation subject to the

supervision of a probation officer;

(b) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer; or

(c) Cause the juvenile to be placed in a suitable family home or ~~institution~~ to be placed in an institution located within the State of Nebraska, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.

Under subdivision (1)(a), (1)(b), or (1)(c) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the juvenile without such payment. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund;

(2) Except as provided in section 43-287, the court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be committed to the Youth Rehabilitation and Treatment Center-Geneva or to the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter;

(3) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile as defined by subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications; or

(4) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(a) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections

43-262 to 43-267;

(b) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations set forth pursuant to subdivision (4)(a) of this section. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(c) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversary criminal trial;

(d) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with subdivisions (4)(b) and (4)(c) of this section;

(e) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered or, in the case of the juvenile adjudicated to be within the definitions of subdivision (3)(b) of section 43-247, the court, after considering the dispositions available, may in addition commit such juvenile to the Office of Juvenile Services under section 43-287; and

(f) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 3. Section 43-290, Revised Statutes Supplement, 1996, is amended to read:

43-290. It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever

the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or subsequent to adjudication, shall be in the nature of a disposition hearing.

At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile, which amount ordered paid shall be the extent of the liability of the parent. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay, and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other sources. Support thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of the parent. If the parent willfully fails or refuses to pay the sum ordered or to pay over any health care plan benefit sums received, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile. The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

If the juvenile has been committed to the care and custody of the Department of Health and Human Services, the

department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's parent.

If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the study or treatment shall be paid, when approved by an order of the court, out of a fund which shall be appropriated by the county in which the petition is filed. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund.

The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 4. Section 43-2,101, Revised Statutes Supplement, 1996, is amended to read:

43-2,101. Unless otherwise ordered by the court pursuant to section 43-290, each county shall bear all the expenses incident to the transportation of each juvenile from such county to the Department of Health and Human Services, together with such fees and costs as are allowed by law in similar cases. The fees, costs, and expenses shall be paid from the county treasury upon itemized vouchers certified by the judge of the juvenile court. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of such expenditures.

Sec. 5. Any county required to appropriate or expend funds pursuant to section 43-284, 43-286, 43-290, or 43-2,101 shall be entitled to reimbursement from the Department of Health and Human Services Finance and Support on a monthly basis for fifty percent of the expenditures made pursuant to such sections.

Sec. 6. This act becomes operative on July 1, 1998.

Sec. 7. 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. 8. Original sections 43-286, 43-290, and 43-2,101, Revised Statutes Supplement, 1996, and section 43-284, Revised Statutes Supplement, 1997, are repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 1, strike "43-284,"; in line 2 after "1996" insert ", and section 43-284, Revised Statutes Supplement, 1997"; and strike lines 4 and 5 and insert "to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.".

## SELECT FILE

**LEGISLATIVE BILL 1028.** Mr. Maurstad asked unanimous consent to replace his pending amendment, AM4120, found on page 1387, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew his amendment, AM4120, found on page 1387.

Mr. Maurstad offered the following substitute amendment:
AM4361

(Amendments to AM7238)

1. Insert the following new section:

"Section 1. 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,~~ until January 1, 1999, the rate of the sales tax levied pursuant to section 77-2703 shall be five percent, and commencing January 1, 1999, the rate of sales tax levied pursuant to section 77-2703 shall be four and one-half percent.".

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on January 1, 1999.

3. Renumber the remaining sections accordingly.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Maurstad moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Mr. Maurstad requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Matzke | Schellpeper | Suttle |
| Bruning | Jensen | Maurstad | Schimek | Thompson |
| Chambers | Jones | Preister | Schmitt | Tyson |
| Coordsen | Kiel | Robak | Stuhr | Witek |
| Elmer | Landis | | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Bohlke | Engel | Kristensen | Raikes | Wehrbein |
| Bromm | Hillman | Lynch | Robinson | Wesely |
| Cudaback | Hudkins | Pederson, D. | Schrock | Wickersham |

Will Willhoft

Present and not voting, 6:

Brashear Dierks Hartnett Peterson, C. Vrtiska
Brown

Excused and not voting, 4:

Beutler Crosby Janssen Pedersen, Dw.

The Maurstad amendment lost with 22 ayes, 17 nays, 6 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1104.** Placed on Select File as amended.
E & R amendment to LB 1104:
AM7249

1. In the Wickersham-Coordsen amendment, AM3950:

a. On page 24, line 16, after the new matter insert ". ~~The commission shall remit the filing fees collected to the State Treasurer for credit to the General Fund.~~"; and in line 19 before "(1)" insert "Sec. 7."; and

b. On page 26, line 2, after "Sections" insert "11,"; in line 11 after "Original" insert "section 77-27,144, Reissue Revised Statutes of Nebraska, and"; in line 15 strike "77-27,144,"; in line 16 after the third comma insert "77-203,"; and in line 21 strike "Reissue Revised Statutes of Nebraska" and insert "Revised Statutes Supplement, 1997".

2. On page 1, strike beginning with "section" in line 1 through line 5 and insert "sections 8-1401, 8-1402, 10-139, 77-375, 77-686, 77-1759, 77-27,144, 77-4101, 77-5003, 77-5005, 77-5009, and 77-5013, Reissue Revised Statutes of Nebraska, sections 77-123, 77-202.03, 77-203, 77-1504, 77-27,187, 77-27,187.01, 77-4901, and 77-5001, Revised Statutes Supplement, 1997, sections 77-3442 and 77-3444, Revised Statutes Supplement, 1997, as amended by sections 36 and 38, respectively, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998, and section 7, Legislative Bill 695, Ninety-fifth Legislature, Second Session, 1998; to require production of records to the Tax Commissioner; to change provisions relating to property taxation; to change a local option sales tax provision; to redefine a term; to change and eliminate refund provisions; to change levy limitation provisions; to change

provisions relating to the Tax Equalization and Review Commission; to change a state aid provision; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-1736.08, Revised Statutes Supplement, 1997; and to declare an emergency.".

**LEGISLATIVE BILL 1346.** Placed on Select File as amended.
E & R amendment to LB 1346:
AM7245

1. In the Standing Committee amendments, AM3172:

a. On page 2, line 11, strike the comma and insert "and";

and

b. On page 7, line 2, after "board" insert "of the county"; in line 3 strike "county" and insert "village"; in line 12 before "clerk" insert "county"; and in lines 17 and 19 after "board" insert "of trustees".

**LEGISLATIVE BILL 341.** Placed on Select File as amended.
(E & R amendment, AM7246, 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 532A.** Placed on Select File.
**LEGISLATIVE BILL 1070A.** Placed on Select File.
**LEGISLATIVE BILL 1104A.** Placed on Select File.
**LEGISLATIVE BILL 1126A.** Placed on Select File.
**LEGISLATIVE BILL 1191A.** Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 1028.** Mrs. Suttle withdrew her amendments, AM4213 and AM4318, found on pages 1517 and 1602.

Mr. Raikes withdrew his amendment, AM4270, found on page 1587.

Mr. Wickersham withdrew his amendment, AM4277, found on page 1612.

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

**SPEAKER KRISTENSEN PRESIDING**

Mr. Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Jones | Preister | Tyson |
| Bohlke | Elmer | Kiel | Raikes | Wehrbein |
| Brashear | Engel | Kristensen | Robak | Wesely |
| Bromm | Hartnett | Landis | Robinson | Wickersham |
| Brown | Hilgert | Lynch | Schrock | Will |
| Bruning | Hillman | Matzke | Stuhr | Willhoft |
| Coordsen | Hudkins | Pederson, D. | Suttle | Witek |
| Cudaback | Jensen | Peterson, C. | Thompson | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Chambers | Schellpeper | Schimek |

Present and not voting, 3:

| | | |
|---|---|---|
| Maurstad | Schmitt | Vrtiska |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Crosby | Janssen | Pedersen, Dw. |

Advanced to E & R for engrossment with 39 ayes, 3 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## AMENDMENTS AND MOTIONS - Print in Journal

Mr. Chambers filed 19 amendments and motions to LB 1070:
(Amendments and motions on file in the Clerk's Office - Room 2018.)

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 1142.** Title read. Considered.

The Standing Committee amendment, AM3776, found on page 1104, was considered.

Mr. Vrtiska withdrew his amendment, AM3959, found on page 1220.

Mr. Wickersham renewed the Revenue Committee pending amendment, AM4214, found on page 1519, to the Standing Committee amendment.

The Revenue Committee amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

Mr. Vrtiska renewed his pending amendment, AM4258, found on page 1548, to the Standing Committee amendment.

Mr. Landis requested a division of the question on the Vrtiska amendment.

The Chair sustained the division of the question.

The first Vrtiska amendment, to the Standing Committee amendment, is as follows:
FA727

(Amendments to AM4214)

1. On page 4, line 24, after the semicolon insert "(h) Any increase attributable to an equalization order of the Tax Equalization and Review Commission pursuant to section 77-5023;"; and in line 25 strike "(h)" and insert "(i)".

Messrs. Maurstad and Preister asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Mr. Vrtiska requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Coordsen | Hudkins | Matzke | Schimek | Wickersham |
| Cudaback | Jensen | Peterson, C. | Vrtiska | Will |
| Engel | Kristensen | Raikes | Wesely | Willhoft |
| Hilgert | Landis | Schellpeper | | |

Voting in the negative, 12:

| | | | | |
|---|---|---|---|---|
| Brashear | Kiel | Stuhr | Thompson | Wehrbein |
| Bromm | Pederson, D. | Suttle | Tyson | Witek |
| Jones | Schrock | | | |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Bohlke | Brown | Chambers | Dierks | Elmer |

Hartnett Lynch Robak Robinson Schmitt
Hillman

Excused and not voting, 8:

Abboud Bruning Janssen Pedersen, Dw. Preister
Beutler Crosby Maurstad

The first Vrtiska amendment lost with 18 ayes, 12 nays, 11 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Brown and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

The second Vrtiska amendment, to the Standing Committee amendment, is as follows:
FA728

(Amendments to AM4214)

2. On page 5, line 24, after the period insert "The county treasurer shall collect from all taxing agencies within the county, in the same proportion that the levy of each such taxing agency bears to the total of such levies of all taxing agencies in the county, an amount equal to the amount of refunds in the county under this section.".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

The second Vrtiska amendment lost with 0 ayes, 24 nays, 15 present and not voting, and 10 excused and not voting.

Mr. Vrtiska withdrew his amendment, AM4188, found on page 1481.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 1 nay, 11 present and not voting, and 9 excused and not voting.

Mr. Landis withdrew his amendment, AM4070, found on page 1440.

Mr. Bromm moved to indefinitely postpone LB 1142.

Mr. Maurstad 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?"

Mr. Dierks moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

The Chair declared the call raised.

Mr. Landis requested a record vote on the Bromm motion to indefinitely postpone.

Voting in the affirmative, 25:

| | | | | |
|---|---|---|---|---|
| Bromm | Elmer | Jones | Pederson, D. | Stuhr |
| Brown | Engel | Kiel | Robak | Tyson |
| Chambers | Hartnett | Kristensen | Robinson | Wehrbein |
| Coordsen | Hillman | Matzke | Schellpeper | Wickersham |
| Dierks | Hudkins | Maurstad | Schrock | Witek |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Beutler | Jensen | Pedersen, Dw. | Suttle | Wesely |
| Brashear | Landis | Peterson, C. | Thompson | Will |
| Hilgert | Lynch | Raikes | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Bohlke | Cudaback | Schmitt | Vrtiska | Willhoft |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Janssen | Preister | Schimek |
| Bruning | | | | |

The Bromm motion to indefinitely postpone prevailed with 25 ayes, 13 nays, 5 present and not voting, and 6 excused and not voting.

## AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 989:
FA713
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1010:

FA714
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1120:
FA715
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1120A:
FA716
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1134:
FA717
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1134A:
FA718
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1228:
FA719
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1228A:
FA720
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1229:
FA721
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1229A:
FA722
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1333:
FA723
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1333A:
FA724
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 395:
FA725
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 699:
FA726
Strike enacting clause.

Messrs. Wesely and Landis filed the following amendment to LB 1129:
AM3504

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new sections:

"Section 1. Section 72-724, Reissue Revised Statutes of Nebraska, is amended to read:

72-724. (1) There is hereby created a Nebraska Hall of Fame Commission, which shall consist of seven members, six of whom shall be appointed by the Governor. The Director of the Nebraska State Historical Society shall be the seventh member of the commission and shall serve as secretary of the commission. Not more than three members of the commission shall be appointed from the same political party. In making the initial appointments of the commission the Governor shall appoint two members for a term of two years, two members for a term of four years, and two members for a term of six years. As the terms of the members expire, the Governor shall appoint or reappoint a member of the commission for a term of six years to succeed the member whose term expires. The members shall serve without compensation. The Governor shall be an ex officio member of the commission.

(2) The Nebraska State Historical Society shall be responsible for the administration of the Nebraska Hall of Fame Commission.

Sec. 2. Section 72-725, Reissue Revised Statutes of Nebraska, is amended to read:

72-725. The Nebraska Hall of Fame shall be located in the State Capitol and other locations as approved by the Nebraska Hall of Fame Commission.

Sec. 3. Section 72-727, Reissue Revised Statutes of Nebraska, is amended to read:

72-727. The Nebraska Hall of Fame Commission shall adopt and promulgate rules and regulations to establish criteria of eligibility for inclusion in the Nebraska Hall of Fame and to establish standards for the creation, design, size, configuration, and placement of busts or other appropriate objects.

Sec. 4. Section 72-728, Reissue Revised Statutes of Nebraska, is amended to read:

72-728. (1) Except as provided in subsection (2) of this section, the Nebraska Hall of Fame Commission (a) shall not name any individual to the Nebraska Hall of Fame on or after the effective date of this act and before January 1, 2000, (b) shall not name more than ~~two persons~~ one person to the Nebraska Hall of Fame during ~~the first two years after June 22, 1961, and not more than one person each two years thereafter except that, in honor of the United States Bicentennial, four members may be so named in calendar year 1976, and no~~ a five-year period beginning January 1, 2000, and ending December 31, 2004, and (c) on and after January 1, 2005, shall name not more than one person every five years thereafter. During the first two years of the five-year period

required in subdivisions (b) and (c) of this subsection, the commission shall receive nominations of candidates to be named to the Nebraska Hall of Fame. The commission shall review the nominations and may select the finalists for induction. During the following two years, the commission shall review the finalists, if any, and may select one for induction. If a finalist is selected for induction, the commission shall name him or her to the Nebraska Hall of Fame during the final year of the five-year period. No individual shall be named to the Nebraska Hall of Fame until ~~ten~~ at least thirty-five years after such person's demise.

(2) Notwithstanding the limitations imposed by subsection (1) of this section, the commission shall procure an appropriate plaque upon which shall be placed the names of each Nebraskan awarded the Medal of Honor as a result of such person's services in the armed forces of the United States. Such plaque shall have sufficient space for listing the names of persons who shall be awarded the Medal of Honor in the future. The plaque shall have a suitable place in the ~~Hall of Fame~~ State Capitol.

Sec. 5. Section 72-729, Reissue Revised Statutes of Nebraska, is amended to read:

72-729. The Nebraska Hall of Fame Commission shall have power:

(1) To contract for the making and placing of busts or other appropriate objects commemorating the persons chosen to be placed in the State Capitol or other location as approved by the commission. No busts or other appropriate objects commemorating the persons chosen shall be placed in the State Capitol except upon ~~receiving~~ the ~~advice~~ approval of the Nebraska Capitol Commission; and

(2) To receive and disburse gifts.

~~All funds to be expended shall be upon vouchers approved by the chairperson and secretary of the Nebraska Hall of Fame Commission.~~

Sec. 6. Section 72-729.01, Reissue Revised Statutes of Nebraska, is amended to read:

72-729.01. There is hereby created the Hall of Fame Trust Fund to be administered by the Nebraska Hall of Fame Commission for the purpose of the creation, design, size, configuration, and placement of busts or other appropriate objects as authorized in section 72-729. Deposits to such fund shall include money received from public donation ~~for the use of the commission~~ and from funds appropriated specifically for such purpose by the Legislature.

Sec. 7. Section 81-1108.10, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.10. As used in sections ~~72-729,~~ 81-1108, 81-1108.02, 81-1108.09 to 81-1108.43, 81-1118.01, 81-1118.02, and 81-1120.22, unless the context otherwise requires:

(1) Division shall mean the state building division

charged with the responsibility of statewide facilities planning, facilities construction, and statewide facilities administration, which division shall be a part of and subject to the supervision of the office of the Director of Administrative Services; and

(2) Administrator shall mean the State Building Administrator.".

2. On page 11, line 6, after "sections" insert "72-724, 72-725, 72-727 to 72-729.01, 81-1108.10,".

3. Renumber the remaining sections accordingly.

## UNANIMOUS CONSENT - Members Excused

Messrs. Will and Hartnett asked unanimous consent to be excused. No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 465.** Mr. Chambers moved to bracket until April 14, 1998.

Pending.

## VISITORS

The Doctor of the Day was Cathy Hennies from Lincoln.

## MOTION - Adjournment

Mr. Schellpeper moved to adjourn until 9:00 a.m., Thursday, April 2, 1998.

Mr. Schellpeper requested a record vote on the motion to adjourn.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Engel | Pedersen, Dw. | Schellpeper | Vrtiska |
| Bohlke | Hudkins | Pederson, D. | Schmitt | Wehrbein |
| Brashear | Jensen | Peterson, C. | Stuhr | Wesely |
| Bromm | Jones | Raikes | Suttle | Willhoft |
| Chambers | Kiel | Robinson | Thompson | Witek |
| Dierks | Matzke | | | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Brown | Hilgert | Kristensen | Maurstad | Tyson |
| Cudaback | | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Coordsen | Elmer | Hillman | Landis | Lynch |

Robak Schrock Wickersham

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Janssen | Schimek | Will |
| Bruning | Hartnett | Preister | | |

The Schellpeper motion to adjourn prevailed with 27 ayes, 6 nays, 8 present and not voting, and 8 excused and not voting, and at 10:21 p.m., the Legislature adjourned until 9:00 a.m., Thursday, April 2, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTY-FIFTH DAY – APRIL 2, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 2, 1998

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Kristensen 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. Janssen who was excused; and Messrs. Abboud, Bromm, Dierks, Landis, Matzke, Robinson, Schrock, Tyson, Will, Mmes. Kiel, Robak, Stuhr, and Ms. Schimek who were excused until they arrive.

### CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

### GENERAL FILE

**LEGISLATIVE BILL 1209A.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 341A.** 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.

### SELECT FILE

**LEGISLATIVE BILL 1161A.** Mr. Bromm renewed his pending amendment, AM4319, found on page 1600.

The Bromm amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1063A.** Advanced to E & R for engrossment.
**LEGISLATIVE BILL 1162A.** Advanced to E & R for engrossment.

## MOTION - Return LB 989 to Select File

Mr. Chambers moved to return LB 989 to Select File for his specific amendment, FA713, found on page 1669.

Mr. Chambers withdrew his motion to return.

## BILL ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature did not approve the dispensing of the reading at large of LB 989 with 23 ayes, 8 nays, 14 present and not voting, and 4 excused and not voting.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 989.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518 to 13-521, 79-1023, 79-1025, 79-1028, and 79-1030, Reissue Revised Statutes of Nebraska, and sections 77-27,139.03, 79-1007.02, 79-1008.01, 79-1026, 79-1029, and 79-1083.03, Revised Statutes Supplement, 1997; to change budget limitation provisions for political subdivisions and school districts as prescribed; to provide a duty for the Auditor of Public Accounts; 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, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Hilgert | Matzke | Schimek |
| Beutler | Crosby | Hillman | Pedersen, Dw. | Schrock |
| Bohlke | Cudaback | Hudkins | Pederson, D. | Stuhr |
| Brashear | Dierks | Jensen | Peterson, C. | Suttle |
| Bromm | Elmer | Jones | Raikes | Thompson |
| Brown | Engel | Kristensen | Robinson | Vrtiska |
| Bruning | Hartnett | Lynch | Schellpeper | Wehrbein |

| | | | | |
|---|---|---|---|---|
| Wesely | Wickersham | Willhoft | Witek | |

Voting in the negative, 5:

| | | | | |
|---|---|---|---|---|
| Chambers | Landis | Robak | Schmitt | Tyson |

Present and not voting, 2:

| | |
|---|---|
| Maurstad | Preister |

Excused and not voting, 3:

| | | |
|---|---|---|
| Janssen | Kiel | 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 - Amendments

Mr. Chambers withdrew his amendments, FA714 through FA726, found on pages 1669 and 1670, to LBs 1010, 1120, 1120A, 1134, 1134A, 1228, 1228A, 1229, 1229A, 1333, and 1333A.

## BILLS ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1010 with 33 ayes, 2 nays, 11 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1010.**

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120, 48-120.02, 48-151, and 48-173, Reissue Revised Statutes of Nebraska, and section 48-115, Revised Statutes Supplement, 1997; to change provisions relating to medical issues; to redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Bruning | Crosby | Elmer |
| Beutler | Bromm | Chambers | Cudaback | Engel |
| Bohlke | Brown | Coordsen | Dierks | Hartnett |

| | | | | |
|---|---|---|---|---|
| Hilgert | Lynch | Preister | Schmitt | Vrtiska |
| Hillman | Matzke | Raikes | Schrock | Wehrbein |
| Hudkins | Maurstad | Robak | Stuhr | Wesely |
| Jensen | Pedersen, Dw. | Robinson | Suttle | Wickersham |
| Jones | Pederson, D. | Schellpeper | Thompson | Willhoft |
| Kristensen | Peterson, C. | Schimek | Tyson | Witek |
| Landis | | | | |

Voting in the negative, 0.

Excused and not voting, 3:

| | | |
|---|---|---|
| Janssen | Kiel | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1120 with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

**MOTION - Return LB 1120 to Select File**

Mr. Wesely moved to return LB 1120 to Select File for the following specific amendment:
FA729
Strike enacting clause

Mr. Wesely withdrew his motion to return.

**BILLS ON FINAL READING**

The following bill was put upon final passage:

**LEGISLATIVE BILL 1120.** With Emergency.

A BILL FOR AN ACT relating to public safety; to amend sections 35-502, 35-507, 35-509.01, 35-511, 35-514, 35-521, 35-522, 35-530 to 35-533, 35-535, 35-536, 77-3,119, and 77-912, Reissue Revised Statutes of Nebraska, and sections 35-506, 35-508, 35-509, 35-516, and 35-517, Revised Statutes Supplement, 1996; to adopt the Mutual Finance Assistance Act; to create a fund; to change and eliminate provisions relating to rural and suburban fire protection districts; to change references relating to registered voters; to state intent; to create a task force to study radio communication; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 35-503 to 35-505, 35-513.01 to 35-513.05, 35-514.01, 35-523 to 35-526, 35-528, and 35-534, Reissue

Revised Statutes of Nebraska, and section 35-527, Revised Statutes Supplement, 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:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Raikes | Thompson |
| Beutler | Dierks | Landis | Robak | Tyson |
| Bohlke | Elmer | Lynch | Robinson | Vrtiska |
| Brashear | Engel | Matzke | Schellpeper | Wehrbein |
| Bromm | Hartnett | Maurstad | Schimek | Wesely |
| Brown | Hilgert | Pedersen, Dw. | Schmitt | Wickersham |
| Bruning | Hillman | Pederson, D. | Schrock | Willhoft |
| Coordsen | Hudkins | Peterson, C. | Stuhr | Witek |
| Crosby | Jensen | Preister | Suttle | |

Voting in the negative, 0.

Present and not voting, 2:

Chambers Kristensen

Excused and not voting, 3:

Janssen Kiel 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.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1120A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1120, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Brashear | Bruning | Cudaback | Engel |
| Beutler | Bromm | Coordsen | Dierks | Hartnett |
| Bohlke | Brown | Crosby | Elmer | Hilgert |

| | | | | |
|---|---|---|---|---|
| Hillman | Matzke | Raikes | Stuhr | Wehrbein |
| Hudkins | Maurstad | Robak | Suttle | Wesely |
| Jensen | Pedersen, Dw. | Robinson | Thompson | Wickersham |
| Jones | Pederson, D. | Schellpeper | Tyson | Willhoft |
| Landis | Peterson, C. | Schmitt | Vrtiska | Witek |
| Lynch | Preister | Schrock | | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---|---|---|
| Chambers | Kristensen | Schimek |

Excused and not voting, 3:

| | | |
|---|---|---|
| Janssen | Kiel | 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.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1134 with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1134.**

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1010, and 84-612, Revised Statutes Supplement, 1997; to change provisions relating to reorganization incentives; to create a fund; to provide for transfers from the General Fund and the Cash Reserve 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, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Hilgert | Matzke | Robak |
| Beutler | Crosby | Hillman | Maurstad | Robinson |
| Bohlke | Cudaback | Hudkins | Pedersen, Dw. | Schellpeper |
| Brashear | Dierks | Jones | Pederson, D. | Schimek |
| Bromm | Elmer | Kristensen | Peterson, C. | Schmitt |
| Brown | Engel | Landis | Preister | Schrock |
| Bruning | Hartnett | Lynch | Raikes | Stuhr |

| | | | | |
|---|---|---|---|---|
| Suttle | Tyson | Wehrbein | Wickersham | Willhoft |
| Thompson | Vrtiska | Wesely | | |

Voting in the negative, 2:

Jensen Witek

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Janssen Kiel Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1134A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1134, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Jones | Preister | Stuhr |
| Beutler | Cudaback | Kristensen | Raikes | Suttle |
| Bohlke | Dierks | Landis | Robak | Thompson |
| Brashear | Elmer | Lynch | Robinson | Tyson |
| Bromm | Engel | Matzke | Schellpeper | Vrtiska |
| Brown | Hartnett | Maurstad | Schimek | Wehrbein |
| Bruning | Hilgert | Pedersen, Dw. | Schmitt | Wesely |
| Chambers | Hillman | Pederson, D. | Schrock | Wickersham |
| Coordsen | Hudkins | Peterson, C. | | |

Voting in the negative, 2:

Jensen Witek

Present and not voting, 1:

Willhoft

Excused and not voting, 3:

Janssen Kiel Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1228 with 34 ayes, 3 nays, 9 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1228.**

A BILL FOR AN ACT relating to schools; to amend section 9-812, Reissue Revised Statutes of Nebraska; to adopt the Quality Education Accountability Act; to provide for funding; to provide duties for the Excellence in Education Council; 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 | Pederson, D. | Stuhr |
| Beutler | Cudaback | Jensen | Peterson, C. | Suttle |
| Bohlke | Dierks | Jones | Preister | Thompson |
| Brashear | Elmer | Kiel | Raikes | Vrtiska |
| Bromm | Engel | Landis | Robak | Wehrbein |
| Brown | Hartnett | Lynch | Robinson | Wesely |
| Bruning | Hilgert | Matzke | Schimek | Wickersham |
| Coordsen | Hillman | Pedersen, Dw. | Schrock | Willhoft |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Maurstad | Schellpeper | Tyson | Witek |
| Kristensen | | | | |

Present and not voting, 1:

Schmitt

Excused and not voting, 2:

Janssen Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1228A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1228, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Cudaback | Jensen | Peterson, C. | Stuhr |
| Beutler | Dierks | Jones | Preister | Suttle |
| Bohlke | Elmer | Kiel | Raikes | Thompson |
| Bromm | Engel | Landis | Robak | Vrtiska |
| Brown | Hartnett | Lynch | Robinson | Wehrbein |
| Bruning | Hilgert | Matzke | Schimek | Wesely |
| Coordsen | Hillman | Pedersen, Dw. | Schrock | Wickersham |
| Crosby | Hudkins | Pederson, D. | | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Schellpeper | Tyson | Witek |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brashear | Chambers | Kristensen | Maurstad | Schmitt |

Excused and not voting, 3:

| | | |
|---|---|---|
| Janssen | Will | Willhoft |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 1229 to Select File**

Mr. Bromm moved to return LB 1229 to Select File for the following specific amendment:

FA730
Strike enacting clause

Mr. Bromm withdrew his motion to return.

## BILLS ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1229 with 30 ayes, 3 nays, 13 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1229.** With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 9-812, 79-214, and 79-1108, Reissue Revised Statutes of Nebraska, sections 79-1105 to 79-1107 and 85-9,145, Revised Statutes Supplement, 1997, and sections 79-1003 and 79-1018.01, Revised Statutes Supplement, 1997, as amended by sections 42 and 44, respectively, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998; to change provisions relating to kindergarten entrance age; to provide funds for accelerated or differentiated curriculum programs; to provide duties; to change eligibility criteria for certain postsecondary education awards; 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, 36:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jensen | Peterson, C. | Stuhr |
| Beutler | Dierks | Kiel | Preister | Suttle |
| Bohlke | Elmer | Kristensen | Raikes | Thompson |
| Brashear | Engel | Landis | Robak | Vrtiska |
| Brown | Hartnett | Lynch | Robinson | Wesely |
| Bruning | Hillman | Pedersen, Dw. | Schimek | Wickersham |
| Coordsen | Hudkins | Pederson, D. | Schrock | Willhoft |
| Crosby | | | | |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Bromm | Jones | Schellpeper | Tyson | Witek |
| Chambers | Maurstad | Schmitt | Wehrbein | |

Present and not voting, 2:

Hilgert Matzke

Excused and not voting, 2:

Janssen 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.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1229A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1229, Ninety-fifth Legislature, Second Session, 1998; and to provide for a reduction of appropriations as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jensen | Preister | Suttle |
| Beutler | Dierks | Kiel | Raikes | Thompson |
| Bohlke | Elmer | Kristensen | Robak | Vrtiska |
| Brashear | Engel | Landis | Robinson | Wehrbein |
| Brown | Hartnett | Lynch | Schimek | Wesely |
| Bruning | Hilgert | Pedersen, Dw. | Schrock | Wickersham |
| Coordsen | Hillman | Pederson, D. | Stuhr | Willhoft |
| Crosby | Hudkins | Peterson, C. | | |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Bromm | Jones | Schellpeper | Tyson | Witek |
| Chambers | Maurstad | Schmitt | | |

Present and not voting, 1:

Matzke

Excused and not voting, 2:

Janssen Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1333 with 36 ayes, 2 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1333.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301, Revised Statutes Supplement, 1996, and sections 60-3001, 60-3004, 60-3005, and 60-3007, as amended by sections 8, 10, 11, and 13, respectively, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998; to redefine truck for purposes of motor vehicle registration, taxes, and fees; to provide duties for the Department of Motor Vehicles; to change provisions relating to motor vehicle taxes and fees; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Peterson, C. | Stuhr |
| Beutler | Dierks | Kiel | Preister | Suttle |
| Bohlke | Elmer | Kristensen | Raikes | Thompson |
| Brashear | Engel | Landis | Robak | Tyson |
| Bromm | Hartnett | Lynch | Robinson | Vrtiska |
| Brown | Hilgert | Matzke | Schellpeper | Wehrbein |
| Bruning | Hillman | Maurstad | Schimek | Wesely |
| Chambers | Hudkins | Pedersen, Dw. | Schmitt | Wickersham |
| Coordsen | Jensen | Pederson, D. | Schrock | Witek |
| Crosby | | | | |

Voting in the negative, 0.

Excused and not voting, 3:

| | | |
|---|---|---|
| Janssen | Will | Willhoft |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage.

**LEGISLATIVE BILL 1333A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1333, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Kiel | Preister | Suttle |
| Bohlke | Dierks | Kristensen | Raikes | Thompson |
| Brashear | Elmer | Landis | Robak | Tyson |
| Bromm | Engel | Lynch | Robinson | Vrtiska |
| Brown | Hartnett | Matzke | Schellpeper | Wehrbein |
| Bruning | Hilgert | Maurstad | Schimek | Wesely |
| Chambers | Hillman | Pedersen, Dw. | Schmitt | Wickersham |
| Coordsen | Hudkins | Pederson, D. | Schrock | Will |
| Crosby | Jones | Peterson, C. | Stuhr | Witek |

Voting in the negative, 0.

Present and not voting, 2:

Abboud Jensen

Excused and not voting, 2:

Janssen Willhoft

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 resolution and bills : LR 340 and LBs 989, 1010, 1120, 1120A, 1134, 1134A, 1228, 1228A, 1229, 1229A, 1333, and 1333A.

**STANDING COMMITTEE REPORTS**
**Natural Resources**

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Ethanol Board
Michael Alberts

Nebraska Game and Parks Commission
John Miller

Nebraska Power Review Board
Louis Lamberty

VOTE: Aye: Senators Beutler, Bohlke, Elmer, Preister, and Schrock. Nay: None. Absent: Senators Bromm, Bruning, and Stuhr.

(Signed) Chris Beutler, Chairperson

**AMENDMENT - Print in Journal**

Mr. Preister filed the following amendment to LB 395:
FA731
Strike the emergency clause.

**SELECT FILE**

**LEGISLATIVE BILL 59.** Considered.

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

Ms. Schimek requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Brashear | Crosby | Jones | Pedersen, Dw. | Schellpeper |
| Bromm | Cudaback | Kiel | Pederson, D. | Schrock |
| Brown | Elmer | Kristensen | Peterson, C. | Suttle |
| Bruning | Hartnett | Lynch | Preister | Wehrbein |
| Chambers | Hillman | Matzke | Raikes | Wickersham |
| Coordsen | Hudkins | Maurstad | Robak | Witek |

Voting in the negative, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Landis | Schmitt | Tyson | Wesely |
| Hilgert | Schimek | Stuhr | Vrtiska | Will |

Present and not voting, 6:

Bohlke Engel Jensen Robinson Thompson
Dierks

Excused and not voting, 3:

Abboud Janssen Willhoft

Advanced to E & R for engrossment with 30 ayes, 10 nays, 6 present and not voting, and 3 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 1174.** Title read. Considered.

The Standing Committee amendment, AM3115, found on page 619, lost with 2 ayes, 18 nays, 26 present and not voting, and 3 excused and not voting.

Mr. Beutler withdrew his amendment, AM4299, found on page 1644.

Mr. Beutler offered the following amendment:
FA732

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 81-15,102, Revised Statutes Supplement, 1997, is amended to read:

81-15,102. (1) The state shall accept or acquire, by gift, transfer, or purchase, from the licensed facility operator, title to the land and appurtenances used for the disposal of low-level radioactive waste after the expiration of both the operational life and closure period of the facility, if:

(a) Both the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality determine that (i) the requirements for site closure, decommissioning, and decontamination adopted pursuant to rules and regulations of the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality which are allowed under federal law have been met by the licensed facility operator and (ii) such operator is in compliance with all financial requirements; and

(b) The amendments to the Central Interstate Low-Level Radioactive Waste Compact made by Laws 1991, LB 837, section 4, codified in section 71-3521, are in effect and have been ratified by Congress.

The title to the land and appurtenances shall be transferred without cost to the state. Such transfer of title to the state does not relieve the developer, licensed facility operator, or generators of such waste from liability for their actions that occurred whether known or unknown during the design,

construction, operation, and closure of the facility. Sites received by gift or transfer shall be subject to approval and acceptance by the Legislature on behalf of the state.

(2) The applicant shall notify the Governor and the Legislature before beginning any onsite geological activity, such as soil core sampling, to determine the suitability of a site in the State of Nebraska for use as a facility.

(3) Lands and appurtenances which are used for the disposal of low-level radioactive waste shall be acquired and held in fee simple absolute by the licensed facility operator so long as such ownership does not preclude licensure or operation of the facility under federal law and until title to the land and appurtenances is transferred to the state pursuant to subsection (1) of this section. Such lands and appurtenances shall be used exclusively for the disposal of low-level radioactive waste until the department determines that such exclusive use is not required to protect the public health, safety, welfare, or environment. Before such a site is leased for other use, the department shall require and assure that the radioactive waste history of the site be recorded in the permanent land records of the site. Remedial cleanup costs which become necessary during the period of custodial care shall be assessed first to the licensed facility operator, then proportionately against the generators of the radioactive waste and as set out in the Central Interstate Low-Level Radioactive Waste Compact found in section 71-3521.

(4) The state may contract for the management of a disposal site. The contractor shall be subject to licensing by the department and shall be subject to the surety and custodial care funding provisions of section 81-15,103.

(5) If and until licensing of a facility is approved, no further construction contracts shall be let or actual construction begun, other than filling the identified wetland, before the Department of Environmental Quality has conducted a six-month public education program to inform the people of the county and the people of the state of the exact characteristics of the facility to be built, which program shall be undertaken forthwith.

Sec. 2. The Executive Board of the Legislative Council in conjunction with the Natural Resources Committee of the Legislature shall conduct an interim study on the legal consequences of withdrawing from the Central Interstate Low-Level Radioactive Waste Compact. It is the intent of the Legislature that $150,000 of federal rebate funds appropriated to the Department of Environmental Quality for FY1998-99 shall be transferred to the Executive Board of the Legislative Council to hire legal counsel for advice on such issues.

Sec. 3. Section 81-15,113.01, Revised Statutes Supplement, 1997, is amended to read:

81-15,113.01. (1) There is hereby created the Community

Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through ~~1997~~ 1998 remit to the department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or

proposed to be located to be distributed to each political subdivision which levied property taxes on the property where the facility is located or proposed to be located. The money shall be distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Property Tax Administrator pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.

Sec. 4. Original sections 81-15,102 and 81-15,113.01, Revised Statutes Supplement, 1997, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Beutler amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 1174A.** Title read. Considered.

Mr. Wickersham withdrew his amendment, AM3353, found on page 890.

Mr. Beutler offered the following amendment:
AM4373

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. On or before July 10, 1998, the State Treasurer shall transfer $150,000 from the Low-Level Radioactive Waste Federal Fund in Agency 84, Department of Environmental Quality to Agency 3, Legislative Council. The Department of Administrative Services shall administratively create a federal fund in Agency 3, Legislative Council.

Sec. 2. There is hereby appropriated (1) $150,000 from federal funds for FY1998-99 and (2) $-0- from federal funds for FY1999-00 to the Legislative Council, Program 122, to aid in carrying out the provisions of Legislative Bill 1174, Ninety-fifth Legislature, Second Session, 1998.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Beutler amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 1354.** Title read. Considered.

The Standing Committee amendment, AM3466, printed separately and referred to on page 882, was considered.

Mr. Wesely renewed the Wesely et al. pending amendment, AM3957, found on page 1205, to the Standing Committee amendment.

Messrs Lynch, Jensen, Abboud, Bromm, and Hartnett 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. 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.

The Chair declared the call raised.

The Wesely et al. amendment was adopted with 30 ayes, 3 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Wesely renewed his pending amendment, AM4291, found on page 1597, to the Standing Committee amendment.

The Wesely amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Maurstad offered the following amendment to the Standing Committee amendment:
FA735
Amend AM3957
add to line 8 p. 2 and line 24 p. 2 the chairperson of the Appropriations Committee of the Legislature.

The Maurstad amendment was adopted with 28 ayes, 0 nays, 14 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.

Mr. Wesely and Mrs. Robak offered the following amendment:
FA736
Amend AM3957
Add after page 2, line 7 after "force", "in consultation with the State Mental Health Planning and Evaluation Council, as defined in 71-5008."

The Wesely-Robak amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

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

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 1354A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Preister and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1129.** Placed on Select File as amended.
E & R amendment to LB 1129:
AM7248

1. In the Standing Committee amendments, AM2895:

a. On page 1, lines 13 and 14, strike "of the University of Nebraska";

b. On page 1, line 23; and page 2, lines 17 and 18, strike "of the University of Nebraska" and show as stricken; and

c. On page 6, line 18, strike "Office" and insert "The office".

2. On page 1, strike beginning with "section" in line 3 through the last comma in line 4.

**LEGISLATIVE BILL 1259.** Placed on Select File as amended.
E & R amendment to LB 1259:
AM7247

1. On page 5, line 15, strike "as provided".

**LEGISLATIVE BILL 1176.** Placed on Select File as amended.
E & R amendment to LB 1176:
AM7250

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Quality Work Force Academic Loan Program Act.

Sec. 2. The purposes of the Quality Work Force Academic Loan Program Act are to:

(1) Retain resident students and graduates in the Nebraska work force who have attended a Nebraska postsecondary educational institution and demonstrated academic achievement in either applied technology or academic programs or courses;

(2) Encourage students to seek education and training in fields which are essential to the economic development of the state;

(3) Promote development, attraction, and retention of workers in Nebraska by establishing the Governor's Quality Work Force Honor Roll which shall consist of businesses in this state that support this state's postsecondary students by providing internship experiences;

(4) Establish a loan contract that requires a recipient to work full time in this state after graduation and complete a designated number of hours of internship experience with a business participating as a member of the Governor's Quality Work Force Honor Roll;

(5) Provide for the administration of the program and distribution of appropriated state funds by the Coordinating Commission for Postsecondary Education, with the individual loans determined and directly disbursed by regionally or nationally accredited participating Nebraska public, nonprofit, or private postsecondary educational institutions according to rules and regulations adopted and promulgated by the commission; and

(6) Provide funds for the program in such amounts as may be appropriated by the Legislature.

Sec. 3. (1) The Coordinating Commission for Postsecondary Education shall establish and maintain an information data base which (a) details current efforts by Nebraska public, nonprofit, or private postsecondary educational institutions to recruit students within this state and to place graduates of such institutions in Nebraska businesses and (b) provides the number of graduates participating in the Quality Work Force Academic Loan Program from such postsecondary educational institutions.

(2) The information shall include (a) areas of specialty of such graduates, (b) their employment decisions regarding location of residence, (c) type of employer, (d) title of position, and (e) compensation packages accepted.

(3) The commission shall submit to the Executive Board of the Legislative Council an annual report containing pertinent information obtained pursuant to this section.

Sec. 4. (1) The Department of Economic Development and representatives of postsecondary educational institutions eligible to participate in the Quality Work Force Academic Loan Program shall develop a plan to increase the number of Nebraska students and graduates who remain in the work force of this state. The plan shall include a process to annually identify the state's high-priority work force needs using information compiled by the Nebraska Career Information System, the United States Department of Labor, and the Bureau of Business Research of the University of Nebraska-Lincoln. The recommended high-priority work force needs shall be reviewed by the Executive Board of the Legislative Council.

(2) The department shall establish the Governor's Quality Work Force Honor Roll which shall consist of businesses in this state that support this state's postsecondary students by providing internship experience and paying a fee as determined by a formula developed by the Coordinating Commission for Postsecondary Education, in cooperation with the department, to participate on the Governor's Quality Work Force Honor Roll. The business fees shall be placed in the Quality Work Force Academic Loan Program Revolving Fund. Participating businesses shall offer paid or for-college-credit internships which shall be negotiated between the student and the business. The businesses shall report to the commission when the student internship has been completed. The report shall include (a) whether the former intern was offered permanent employment when the student internship or graduation requirements were completed, (b) reasons given for declining the offer if it was not accepted, and (c) pertinent information as determined by the commission to help evaluate the program. The businesses shall also meet exemplary criteria as determined by the department in rules and regulations. The department shall, in cooperation with the commission, recruit businesses to participate in the Governor's Quality Work Force Honor Roll that will provide internships in fields which are identified as high-priority work force needs.

(3) The department shall, in cooperation with the commission, develop a program to pair recipients of loans under the Quality Work Force Academic Loan Program Act with appropriate internships at honor roll businesses. Whenever feasible, such internships shall be administered through existing internship programs at each participating postsecondary educational institution. Such participating institutions shall be notified concerning internships that are available but have not been filled by loan recipients.

(4) The department shall adopt and promulgate rules and regulations to implement this section.

Sec. 5. (1) The Quality Work Force Academic Loan Program is created. The Coordinating Commission for Postsecondary Education shall administer the program and shall adopt and promulgate rules and regulations to implement the Quality Work Force Academic Loan Program Act. The commission shall annually submit a report to the Executive Board of the Legislative Council regarding the rules and regulations governing the program and its implementation.

(2) Loans shall be awarded only to part-time and full-time Nebraska resident students who are enrolled at one of the participating postsecondary educational institutions. Loans shall be awarded only to students enrolled in a degree, diploma, or certificate program and shall not be awarded to students enrolled in customized courses and programs for which industry is providing over fifty percent of the financial support, either directly or indirectly, and for which the students are not being charged tuition or mandatory fees by the postsecondary educational institution.

(3) Loans shall be funded from the Quality Work Force Academic Loan Program Revolving Fund and shall be awarded to students through postsecondary educational institutions in conjunction with the commission in consideration of each student's academic achievements, career goals, financial need, and potential for successful completion of course or program requirements in accordance with rules and regulations adopted and promulgated by the commission. As a secondary criterion, when qualified loan applicants exceed the funds available, a participating institution shall give preference to students who have roots in Nebraska and whose course or program work is in a field or fields identified by the Department of Economic Development as high-priority work force needs pursuant to section 4 of this act.

(4) Loan applicants, at or before graduation, with exceptions identified by the commission, must also complete an internship experience with a business participating as a member of the Governor's Quality Work Force Honor Roll. The commission shall create procedures for setting internship requirements.

(5) For full-time students enrolled in a degree, diploma, or certificate program, loans shall be awarded on an annual basis in an amount not less than one quarter of the student's tuition and mandatory fees combined. Loans shall not be awarded to individual students for a cumulative period exceeding five consecutive years. For part-time and nontraditional students, the commission shall develop appropriate policies which are consistent with policies developed for full-time students.

(6) Loans shall only be awarded through a participating postsecondary educational institution to a qualified student. Participating postsecondary educational institutions shall be regionally or nationally accredited public, nonprofit, or private postsecondary educational institutions headquartered in Nebraska

which comply with the act and the rules and regulations adopted and promulgated by the commission. The commission may create an application, audit, and approval process for participating postsecondary educational institutions and shall require such institutions to provide information necessary to establish and maintain the information data base described in section 3 of this act.

(7) The amount of funding available shall be divided among all participating postsecondary educational institutions annually for utilization by students attending such institutions based on a distribution formula as determined by the commission in accordance with its rules and regulations.

(8) The commission shall define internship experience based on the requirements of participating institutions.

Sec. 6. The Quality Work Force Academic Loan Program Revolving Fund is created. The fund shall consist of appropriations by the Legislature for FY1998-99, loan repayments, penalties, interest payments, contributions and fees from businesses, and any other funds received in the course of administering the program. When appropriated by the Legislature, any balance in the fund may be disbursed to participating postsecondary educational institutions for loans under the Quality Work Force Academic Loan Program or for the costs incurred in administering the program. 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 fund shall be administered by the Coordinating Commission for Postsecondary Education. The Legislature shall appropriate funds to the Quality Work Force Academic Loan Program Revolving Fund for FY1998-99 only. After FY1998-99, the only sources of funding shall be loan repayments, penalties, interest payments, contributions, fees from businesses, and any other funds received in the process of administering the program. To sustain the program, amounts available in the fund for each year shall fund the program for four years.

Sec. 7. (1) To be eligible for a loan under the Quality Work Force Academic Loan Program, a full-time student shall sign a contract with the Coordinating Commission for Postsecondary Education at the time the loan is awarded. The contract shall require that if (a) the student is not employed full time in Nebraska following the completion of his or her chosen program for a time period equal to the number of years the student received loans, (b) the student has not completed the requisite hours of internship experience with a participating business on the Governor's Quality Work Force Honor Roll with exceptions as identified by the commission, (c) the student is not enrolled on a full-time basis in a graduate program within six months of obtaining an undergraduate degree for which a loan from the program was obtained, or (d) the student does not complete the requirements

for graduation within five consecutive years, the amount awarded must be repaid with interest at the rate fixed pursuant to section 45-103 as of the date the student signed the contract and an appropriate penalty as determined by the commission. The commission may by rules and regulations provide for exceptions to the conditions based upon mitigating circumstances. For part-time and nontraditional students, the commission shall develop appropriate policies which are consistent with the policies established for full-time students. A student who is awarded a loan must agree in writing to use the loan for tuition and mandatory fees only. Proof of internship or work experience must be submitted to the commission by the loan recipient at or before graduation, with exceptions identified by the commission. The employment obligations shall begin within six months after the student has completed the course of study for which the loan or loans were awarded.

(2) If the student (a) successfully completes the program of study, (b) completes the internship program, (c) becomes timely employed within the state, and (d) otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the applicant is required to remain employed in this state under the contract. After completion of the required period of full-time employment in Nebraska, the loan shall be forgiven.

(3) The commission has the administrative responsibility to track students who participate in the loan program and to develop repayment tracking and collection mechanisms. The commission may contract for services. When a loan has been forgiven, the amount becomes taxable income and the commission shall provide notification of such to the person who was awarded such loan, the Department of Revenue, and the United States Internal Revenue Service.

Sec. 8. The Coordinating Commission for Postsecondary Education shall require an annual report on the Quality Work Force Academic Loan Program from each participating institution. On or before December 15 of each year, the commission shall submit a report to the Governor and to the Clerk of the Legislature providing, at a minimum, information on an institution-by-institution basis, high-priority work force needs areas, and the full-time or part-time status of the students awarded the loans. The report shall include a financial statement and a description of the activity of the Quality Work Force Academic Loan Program Revolving Fund.".

**LEGISLATIVE BILL 1176A.** Placed on Select File as amended.
E & R amendment to LB 1176A:
AM7251

1. On page 2, line 1, strike "(1)".

**LEGISLATIVE BILL 1209A.** Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 1998, at 10:50 a.m., were the following bills: LBs 989, 1010, 1120, 1120A, 1134, 1134A, 1228, 1228A, 1229, 1229A, 1333, and 1333A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 1175:
AM4274

(Amendments to E & R amendments, AM7236)

1. Strike sections 9, 10, and 11.
2. Amend the operative date and repealer sections accordingly.
3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Bohlke filed the following amendment to LB 1175:
AM4215

(Amendments to E & R amendments, AM7236)

1. Insert the following new section:

"Sec. 57. Section 2, Legislative Bill 1228, Ninety-fifty Legislature, Second Session, 1998, is amended to read:

(1) Quality education incentive payments shall be provided to local systems, as defined in section 79-1003, each year the local system meets the qualifications described in this section. The first two years a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in subsection (2) of this section. The third and fourth years a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in subsection (2) of this section and at least two of the premier quality factors in subsection (3) of this section. The fifth and sixth years a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in subsection (2) of this section and at least three of the premier quality factors in subsection (3) of this section. The seventh year and each year thereafter a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in subsection (2) of this section and at least four of the premier quality factors in subsection (3) of this section except as provided in subsection (4) of this section.

(2) The primary quality factors are:

(a) Each district in the local system has adopted academic standards adopted and promulgated by the State Board of Education or academic standards approved by the state board as generally more rigorous than the academic standards adopted and promulgated by the state board;

(b) Each district in the local system has an alternative school, class, or educational program available or in operation for all expelled students pursuant to subsection (1) of section 79-266 or, for districts that do not have any expelled students, an adopted school board policy to have an alternative school, class, or educational program available or in operation for all expelled students pursuant to subsection (1) of section 79-266 if any expulsions occur; and

(c) At least sixty percent of the graduating seniors in the local system have taken a standard college admissions test and those students have an aggregate average score, using the most recent test score on each test taken for each student who has taken at least one of the tests, above the statewide average score on any of the standard college admissions tests which at least twenty-five percent of the graduating seniors have taken.

(3) The premier quality factors are:

(a) The local system has at least one teacher who has received credentials from a national nonprofit organization the purpose of which is to establish high and rigorous standards in a broad range of educational areas for what accomplished teachers should know and be able to do and which issues credentials to teachers who demonstrate that they meet those standards;

(b) At least thirty-six percent of the certificated teachers in the local system have advanced degrees or at least thirty graduate-level hours;

(c) Each first-year teacher in a local system is provided with a mentor participating in the mentor teacher program pursuant to section 5 of this act or a mentor teacher program has been established by a district in the local system and approved by the state board;

(d) The high school district improves the annual percentage dropout rate from the prior year or maintains a dropout rate not to exceed four percent; and

(e) An approved program for learners with high ability pursuant to sections 79-1106 to 79-1108 is available to every student identified as a learner with high ability in the local system and there is at least one learner with high ability identified in the local system.

(4) If a local system in which at least forty percent of the formula students qualify for the poverty factor pursuant to section 79-1007.01 meets all of the qualifications for quality education incentive payments except that the aggregate average college admissions test scores pursuant to subdivision (2)(c) of this section are not above the statewide average, the local system

shall receive quality education incentive payments equal to fifty dollars per formula student multiplied by two times the percentage resulting when the number of local system graduating seniors who scored above the statewide average on any standard college admissions test, using the most recent test score on each test taken for each student who has taken at least one of the tests, is divided by the number of all local system graduating seniors who have taken a standard college admissions test.

(5) Local systems meeting the criteria in subsections (1) through (4) of this section may apply to the Excellence in Education Council for quality education incentive payments on or before October 1, 1998, for the 1998-99 school fiscal year and on or before July 1 ~~of~~ each fiscal year thereafter, using the most recent information and data available. Upon review by the Excellence in Education Council, if the information and data in the application indicate that the local system meets the criteria in such subsections, the local system shall qualify for quality education incentive payments.

(6) Quality education incentive payments shall be made from the Education Innovation Fund on or before December 1, 1998, for the 1998-99 school fiscal year and on or before September 1 of each school fiscal year thereafter beginning with the 1999-00 school fiscal year. The payments shall equal fifty dollars per adjusted formula student or one hundred dollars per adjusted formula student for local systems in the very sparse cost grouping based on the most recent certification of state aid pursuant to the Tax Equity and Educational Opportunities Support Act. If the unobligated balance in the fund is less than the amount calculated for quality education incentive payments due to qualified local systems, each qualified local system shall receive a pro rata amount such that the amount of payments equals the unobligated balance in the fund.

(7) Quality education incentive payments shall only be used for pilot projects or model programs for the purposes set forth in section 9-812 for major competitive grants. Incentive payments may not be used to supplant federal, state, or local funds. The payments shall be made to the high school district, and the high school district prior to the application shall determine how the payments shall be used after consultation with all Class I school districts in the local system. Quality education incentive payments, or portions of such payments, may be transferred to the Class I school districts. Quality education incentive payments shall not be included as local system formula resources pursuant to section 79-1018.01. The Excellence in Education Council may audit the use of quality education incentive payments at the discretion of the council.".

2. Amend the operative date and repealer sections so that the section added by this amendment becomes operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Maurstad and Chambers filed the following amendment to LB 1104:
AM4378

1. Insert the following new sections:

"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,~~ until January 1, 1999, the rate of the sales tax levied pursuant to section 77-2703 shall be five percent, and commencing January 1, 1999, the rate of sales tax levied pursuant to section 77-2703 shall be four and one-half percent.

Sec. 29. Section 84-612, Revised Statutes Supplement, 1997, 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 or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) On June 15, 1999, the State Treasurer shall transfer forty million dollars from the Cash Reserve Fund to the General Fund.

(6) On or before June 30, 1999, the State Treasurer shall transfer thirty-four million dollars from the Cash Reserve Fund to the General Fund.".

2. Correct the operative date section and repealer so that section 11 added by this amendment becomes operative on January 1, 1999, and section 29 added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Hartnett filed the following amendment to LB 1293:
AM4381

(Amendments to Standing Committee amendments, AM3994)

1. On page 20, strike beginning with "one" in line 12

through "additional" in line 14 and insert "sufficient"; and in line 15 strike "thereafter".

Ms. Schimek filed the following amendment to LB 1129:
AM4375
(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new sections:

"Sec. 8. The Director of Administrative Services may initiate transfers or interfund borrowing among the Vacant Building and Excess Land Fund and revolving funds within the Department of Administrative Services to address cash-flow situations.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 2, 1998, 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

Moors, H. Jack - Lincoln; Nebraska Premium Pork
Mueller, William J./Ruth & Mueller Law Firm
Mueller, William J. - Lincoln; Chemical Specialties Manufacturers Association
Ruth, Larry L./Ruth & Mueller Law Firm
Ruth, Larry L. - Lincoln; Chemical Specialties Manufacturers Association

## GENERAL FILE

**LEGISLATIVE BILL 1321.** Title read. Considered.

The Standing Committee amendment, AM3418, printed separately and referred to on page 1020, was considered.

Mr. Landis 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:
FA733
Sections 87 to 104, and 106 to 121, and also technical sections 122, 123, 125, and 126.
Sections 4, 6 to 13, 15 to 36, 38 to 72, 74 to 76, 78 to 80, 84, 85, and 105, and also technical sections 122 and 124.

Section 77, and also technical sections 122, 125, and 126.

**MR. WEHRBEIN PRESIDING**

The first Standing Committee amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The second Standing Committee amendment is as follows:
FA734
Section 73.
Section 83.
Sections 1 to 3, 5, 14, 37, 81, 82, and 86.

The second Standing Committee amendment lost with 0 ayes, 17 nays, 22 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 1321A.** 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.

Messrs. Hilgert and Landis 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.

**LEGISLATIVE BILL 465.** The Chambers pending motion, found on page 1673, to bracket until April 14, 1998, was renewed.

Messrs. Will and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Schellpeper moved to invoke cloture on LB 465, pursuant to Rule 7, Section 10.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Schellpeper requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 33:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Brown | Bruning | Coordsen |

| | | | | |
|---|---|---|---|---|
| Cudaback | Jensen | Pedersen, Dw. | Schmitt | Wehrbein |
| Elmer | Jones | Pederson, D. | Schrock | Wickersham |
| Engel | Kristensen | Peterson, C. | Stuhr | Will |
| Hilgert | Lynch | Preister | Tyson | Willhoft |
| Hillman | Matzke | Robak | Vrtiska | Witek |
| Hudkins | Maurstad | Schellpeper | | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Bohlke | Kiel | Suttle | Thompson | Wesely |
| Chambers | Robinson | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Beutler | Crosby | Raikes |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Bromm | Hartnett | Janssen | Landis | Schimek |
| Dierks | | | | |

The Schellpeper motion to invoke cloture prevailed with 33 ayes, 7 nays, 3 present and not voting, and 6 excused and not voting.

The Chambers motion to bracket failed with 8 ayes, 27 nays, 7 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 38 ayes, 3 nays, 2 present and not voting, and 6 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Lynch | Schellpeper | Vrtiska |
| Brashear | Hillman | Matzke | Schmitt | Wehrbein |
| Bruning | Hudkins | Maurstad | Schrock | Wickersham |
| Coordsen | Jensen | Pedersen, Dw. | Stuhr | Will |
| Cudaback | Jones | Pederson, D. | Suttle | Willhoft |
| Elmer | Kristensen | Robak | Tyson | Witek |
| Engel | | | | |

Voting in the negative, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Chambers | Kiel | Raikes | Thompson |
| Bohlke | Crosby | Peterson, C. | Robinson | Wesely |
| Brown | | | | |

Present and not voting, 1:

Preister

Excused and not voting, 6:

Bromm Hartnett Janssen Landis Schimek
Dierks

Advanced to E & R for review with 31 ayes, 11 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE RESOLUTION 303CA.** Placed on Select File.

**LEGISLATIVE BILL 341A.** Placed on Select File as amended.
E & R amendment to LB 341A:
AM7252

1. On page 2, line 2, strike "and" and insert an underscored comma; and in line 3 after "Fund" insert an underscored comma.

(Signed) Jon C. Bruning, Chairperson

## STANDING COMMITTEE REPORTS
### Natural Resources

**LEGISLATIVE RESOLUTION 326.** Reported to the Legislature for further consideration with the following amendment:
AM4374

1. In the second resolved strike "the Attorney General and the Department of Water Resources in".

(Signed) Chris Beutler, Chairperson

### Judiciary

The Committee on Judiciary 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 Crime Victims Reparation Committee
Catherine Walters
Jim Riskowski

VOTE: Aye: Senators Brashear, Chambers, Hilgert, Dw. Pedersen, and

Robak. Nay: Senator Jones. Not Voting: Senator Hudkins. Absent: Senator Abboud.

(Signed) Kermit A. Brashear, Chairperson

**AMENDMENT - Print in Journal**

Mr. Hartnett filed the following amendment to LB 1293A:
AM4382
1. On page 2, line 1, strike "$1,336,208" and insert "$86,208"; in line 2 strike "$1,326,708" and insert "$76,708"; and strike lines 11 through 18.

**UNANIMOUS CONSENT - Members Excused**

Mmes. C. Peterson, Hillman, Messrs. Beutler, and Robinson asked unanimous consent to be excused. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 465A.** Title read. Considered.

Mr. Chambers moved to bracket LB 465A until April 14, 1998.

Mr. Chambers asked unanimous consent to bracket LB 465A. No objections. So ordered.

**EXPLANATION OF VOTE**

Had I been present, I would have voted "aye" on LBs 1228A, 1333, and 1333A.

(Signed) Jerry D. Willhoft

**AMENDMENT - Print in Journal**

Mrs. Stuhr filed the following amendment to LB 1354:
AM4386
1. Insert the following new sections:
"Section 1. Section 28-101, Revised Statutes Supplement, 1997, is amended to read:
28-101. Sections 28-101 to 28-1348 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.
Sec. 2. (1) For purposes of this section:
(a) Body piercing means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting jewelry or other adornments in or through the human body, except that the following are not included in this definition: (i) Puncturing the external part of

the human ear and (ii) any procedure undertaken in the ordinary course of practice by a health care professional; and

(b) Tattooing means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

(2) No person shall perform body piercing or tattooing on or to any person under eighteen years of age without (a) the prior written and notarized consent of the parent or court-appointed guardian of such person or (b) the prior written consent of the parent or court-appointed guardian of such person and the presence of the person giving such consent during the body piercing or tattooing procedure. Violation of this subsection is a Class III misdemeanor.

(3) In any prosecution of a person performing body piercing or tattooing on or to a person under eighteen years of age, proof of the following shall constitute a defense to the charge: (a) The person under eighteen years of age falsely represented that he or she was eighteen years of age or older and supported such representation with identification that purported to establish that he or she was eighteen years of age or older; and (b) the person performing body piercing or tattooing was acting in good faith, relying on the identification and the appearance of the person under eighteen years of age and on the belief that such person was eighteen years of age or older.

(4) The written consent of the parent or guardian, and a copy of the letters of guardianship if such consent is granted by a guardian, shall be retained for a period of one year by the person performing body piercing or tattooing on or to a person under eighteen years of age.

Sec. 3. Original section 28-101, Revised Statutes Supplement, 1997, is repealed.".

2. Amend the operative date section so that the sections added by this amendment become operative three calendar months after the adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

## COMMUNICATION

Received a copy of Senate Joint Memorial No. 106 from the State of Idaho proposing a constitutional amendment requesting the Congress of the United States to limit congressional bills to a single subject.

## REPORT

The following report was received by the Legislature:

Examiners, Board of, for County Highway and Street Superintendents Annual Report

## UNANIMOUS CONSENT - Add Cointroducer

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 1354. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 22 seniors and teachers from Sterling; 17 exchange students and teacher from Heinsberg in Germany; 12 third and fourth grade students and teachers from District 11, Saunders County; 44 fourth grade students and teachers from Seymour Elementary School, Ralston; 5 seventh and eighth grade students and teachers from Rock County; 70 eighth grade students and teachers from LaVista Junior High School; Andrei Cantemir from Mol-dova and B. J. Reed from Omaha; 20 ninth through twelfth grade students and teacher from Odell; Roger Johnson; and Susan Coulter and Danielle Brown from Scottsbluff and Stephanie Brown from North Platte.

## MOTION - Adjournment

Mr. Wesely moved to adjourn. The motion prevailed with 19 ayes, 9 nays, 8 present and not voting, and 13 excused and not voting, and at 1:33 p.m., the Legislature adjourned until 9:00 a.m., Monday, April 6, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTY-SIXTH DAY – APRIL 6, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 6, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen 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. Janssen who was excused; and Messrs. Abboud, Bromm, Dierks, Engel, Lynch, Robinson, Tyson, Will, Willhoft, and Mrs. C. Peterson who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: LBs 59, 1028, 1063A, 1073, 1073A, 1161, 1161A, and 1162A.

### Enrollment and Review Change to LB 1073

The following changes, required to be reported for publication in the Journal, have been made:
ER9152

1. In the Suttle amendment, AM3693, section 6 has been renumbered as section 8.
2. In the Thompson amendment, AM4141:

a. Sections 156 to 159 have been renumbered as sections 170 to 173,

respectively;

b. On page 1, line 16, "update" has been struck and "updating" inserted; and

c. On page 2, line 9, the matter beginning with "director" through "Office" has been struck and "Director of Policy Research" inserted; and in line 17 "committee" has been struck and "task force" inserted.

3. In the Hillman amendment, AM3975:

a. Sections 10 to 15 have been renumbered as sections 13 to 18, respectively;

b. On page 5, lines 1, 6, and 9, "child" has been struck, shown as stricken, and "juvenile" inserted; and

c. On page 10, line 6, "charged under" has been struck and "described in" inserted.

4. In the Landis amendment, AM4078, section 156 has been renumbered as section 169.

5. The Brown amendment, AM3605, has been incorporated into the E & R amendments, AM7219, as section 28.

6. In the Thompson amendment, AM3704:

a. Section 52 has been renumbered as section 62;

b. On page 4, line 18, "(14)" has been struck, shown as stricken, and "(16)" inserted;

c. On page 5, line 13, "(22)" has been struck, shown as stricken, and "(24)" inserted; and

d. On page 10, line 6, "25" has been struck and "1" inserted.

7. In the Will-Wesely amendment, AM4128:

a. On page 1, line 10, "20-123, 20-124, and 20-132 to 20-143" has been inserted after "sections";

b. On page 9, line 8, "not" has been struck; and

c. On page 10, line 12, "such act or section" has been struck and shown as stricken and "the federal Americans with Disabilities Act of 1990 or section 81-5,147" has been inserted after "purposes".

8. In the E & R amendments, AM7219:

a. On page 18, line 23, "foregoing" has been struck and shown as stricken and "of subdivisions (1) through (3) of this section" inserted;

b. On page 20, line 5, "37" has been struck and "47" inserted;

c. On page 32, line 17, "16" has been struck and "25" inserted;

d. On page 33, line 8, "director" has been struck, shown as stricken, and "Director of Health and Human Services" inserted;

e. On page 36, line 23, "23 to 45" has been struck and "33 to 55" inserted;

f. On page 40, line 6, "for" has been inserted after "policies";

g. On page 47, line 9, "16" has been struck and "25" inserted;

h. On page 49, line 23, "member" has been inserted before "means";

i. On page 54, lines 2 and 3, "he or she" has been struck and "the officer" inserted; and in line 3 "parolee" has been struck and "juvenile" inserted;

j. On page 98, line 2, "the" has been inserted after the first comma;

k. On page 113, line 8, "92" has been struck and "102" inserted;

l. On page 140, line 24; page 141, line 6; and page 144, lines 6, 22, and 26, "97 to 110" has been struck and "107 to 120" inserted;

m. On page 141, line 7, "99 to 103" has been struck and "109 to 113"

inserted;

n. On page 142, line 16, "104" has been struck and "114" inserted;

o. On page 143, line 9, "106" has been struck and "116" inserted;

p. On page 144, line 11, "this legislative bill" has been struck and "sections 107 to 120 of this act" inserted;

q. On page 149, line 22, "135" has been struck and "145" inserted;

r. On page 201, line 25, the matter beginning with "4" through "157" has been struck and "3, 6, 90 to 102, 127 to 145, and 175" inserted; and the matter beginning with "5" in line 26 through "158" in line 27 has been struck and "7, 8, 11 to 18, 20 to 22, and 176" inserted;

s. On page 202, line 1, "Sections 4, 5, 160 to 162, and 178 of this act become operative on October 1, 1998." has been inserted after the period; in line 8 "43-255, 43-256," has been inserted after the first comma; in line 9 "section 43-246" has been struck and "sections 28-405, 43-246, and 43-253" inserted; in line 10 "section 43-245" has been struck and "sections 43-245, 43-250, and 43-251" inserted; and in line 21 "43-536," has been inserted after the last comma;

t. On page 203, line 8, "20-139, 20-319," has been inserted after the third comma and "43-255, 43-256," has been inserted after the fifth comma; in line 15 "81-5,147 to 81-5,149," has been inserted after the last comma; in line 17 "28-405," has been inserted after "sections" and "43-253," has been inserted after the last comma; in line 20 "43-2,129" has been struck and "43-250, 43-251, 43-2,129, 43-536" inserted; in line 25 "housing standards, controlled substances," has been inserted after the first comma and "reimbursement and" has been inserted after "care"; and

u. On page 204, line 9, "and" has been struck and ", and access to the state health insurance program" has been inserted after "facilities"; and in line 11 "create a task force and provide for a study; to change and" has been inserted after the second "to".

9. On page 1, line 1, "health and human services" has been struck and "public health and welfare" inserted.

**Enrollment and Review Change to LB 1073A**

The following changes, required to be reported for publication in the Journal, have been made:

ER9149

1. In the Wesely amendment, AM4174, on page 1, line 14, "Finance and Support" has been struck and "Regulation and Licensure" inserted.

**Enrollment and Review Change to LB 1161**

The following changes, required to be reported for publication in the Journal, have been made:

ER9153

1. In the Beutler amendment, AM4284:

a. Sections 89 and 92 have been struck and the following sections inserted:

"Sec. 91. Section 87-209, Revised Statutes Supplement, 1997, is

amended to read:

87-209. A trade name shall not be registered if it:

(1) Consists of or comprises immoral, deceptive, or scandalous matter;

(2) Consists of or comprises matter which may disparage, bring into contempt or disrepute, or falsely suggest a connection with, persons living or dead, institutions, beliefs, or national symbols;

(3) Consists of, comprises, or simulates the flag or coat of arms or other insignia of the United States, any state or municipality, or any foreign nation;

(4) Consists of or comprises the name, signature, or portrait of any living individual without his or her consent;

(5)(a) Is merely descriptive or misdescriptive, or is primarily geographically descriptive or geographically misdescriptive as applied to the business of the applicant, or (b) is primarily merely a surname, but nothing in this subdivision shall prevent the registration of a trade name which has become distinctive of the applicant's business in this state. The Secretary of State may accept as evidence that a trade name has become distinctive proof of continuous use by the applicant as a trade name in this state or elsewhere for five years preceding the date of the filing of the application for registration; ~~or~~

(6) Consists of or comprises a trade name which so resembles a trade name registered under sections 87-208 to 87-220, registered in this state, or the name of a business entity on file or registered with the Secretary of State pursuant to Nebraska law as to be likely to cause confusion, mistake, or deception of purchasers, except that a name, although similar, may be used if the business entity affected consents in writing and such writing is filed with the Secretary of State. The word incorporated, inc., or corporation shall not be a part of the trade name being registered unless the firm is duly incorporated in the State of Nebraska or some other state; or

(7) Consists of the word geologist or any modification or derivative of such word, and the applicant does not meet the requirements of subsection (6) of section 76 of this act.

Sec. 95. Original section 87-112, Reissue Revised Statutes of Nebraska, and section 87-209, Revised Statutes Supplement, 1997, are repealed.";

b. Sections 47 to 88 have been renumbered as sections 49 to 90;

c. On page 1, line 2, "47 to 87" has been struck and "49 to 89" inserted; in line 9 the first comma has been struck; and in line 16 "50 to 65" has been struck and "52 to 67" inserted;

d. On page 2, line 19, "84" has been struck and "86" inserted;

e. On page 11, line 25, an underscored comma has been inserted after "examination"; and in line 26 the comma has been struck;

f. On page 12, line 14, "authorization" has been struck and "licensure" inserted;

g. On page 15, lines 4, 18, and 21, "84 to 86" has been struck and "86 to 88" inserted; and in line 18 "who" has been struck;

h. On page 16, line 7, "who" has been struck; and the matter beginning with "sections" in line 11 through "this" in line 12 has been struck and "the" inserted;

i. On page 17, line 1, "82" has been struck and "84" inserted;

j. On page 18, line 7, paragraphing has been inserted after the period; and in line 26 the comma has been struck;

k. On page 19, line 19, "have" has been struck and "has" inserted;

l. On page 20, line 24, an underscored comma has been inserted after "issued";

m. On page 24, line 16, an underscored comma has been inserted after "others"; in line 18 an underscored comma has been inserted after "deceptive"; and in line 27 an underscored comma has been inserted after "signature"; and

n. On page 25, line 23, "74" has been struck and "76" inserted.

2. In the Beutler et al. amendment, AM4300:

a. Section 48 has been renumbered as section 93; and

b. On page 2, line 2, "24" has been struck and "25" inserted.

3. In the Robinson-Preister amendment, AM4294, section 45 has been renumbered as section 46.

4. In the Standing Committee amendments, AM3706:

a. Section 47 and all amendments thereto have been struck and the following new section inserted:

"Sec. 92. Sections 14 to 23, 29, 31, 94, and 99 of this act become operative on July 1, 1998. Sections 49 to 91 and 95 of this act become operative January 1, 1999. Sections 2 to 12, 24, 46, 96, and 98 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.";

b. On page 25, line 15; page 29, line 5; page 34, line 13; page 35, line 23; page 44, line 20; and page 45, lines 10 and 22, "24" has been struck and "25" inserted;

c. On page 46, line 6, "44" has been struck and "45" inserted;

d. On page 59, line 26, "and 66-713" has been struck and "66-713, and 66-1519.01" inserted; and in line 27 "section 66-4,144" and all amendments thereto have been struck and "sections 66-4,144 and 66-1521" inserted; and

e. On page 60, line 2, "and 66-718" has been struck and ", 66-718, and 81-15,162.02" inserted; in line 4 "66-1519.01," has been struck; and in line 7 "46-656.29," has been inserted after "sections".

5. On page 1, the matter beginning with "remedial" in line 1 through line 10 and all amendments thereto have been struck and "the environment; to amend sections 66-482, 66-486, 66-4,141, 66-4,143, 66-678, 66-680, 66-681, 66-6,113, 66-713, 66-1501, 66-1519, 66-1519.01, 66-1520, 66-1523, 66-1525, 66-1529.01, 66-1529.02, 81-8,297, 81-8,299, 81-8,301, 81-15,121, 81-15,124, and 87-112, Reissue Revised Statutes of Nebraska, sections 46-656.29, 81-15,117, 81-15,119, 81-15,120, 81-15,124.01, 81-15,189, and 81-15,190, Revised Statutes Supplement, 1996, and sections 32-608, 66-4,144, 66-718, 66-1518, 66-1521, 81-15,162.02, and 87-209, Revised Statutes Supplement, 1997; to create a well measuring device cost-sharing program; to adopt the Wellhead Protection Area Act and the Geologists Regulation Act; to change provisions relating to water well permits; to provide for weather modification programs; to change motor fuel

tax provisions; to change provisions relating to the Petroleum Release Remedial Action Act, the Petroleum Products and Hazardous Substances Storage and Handling Act, and the Scrap Tire Reduction and Recycling Incentive Fund; to provide powers and duties; to eliminate provisions relating to weather control and a fee; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 2-2428 to 2-2449 and 66-1522, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Jon C. Bruning, Chairperson

## MESSAGES FROM THE GOVERNOR

April 2, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 924 and 924A were received in the Governor's Office on March 30, 1998.

As Acting Governor, I signed these bills on April 2, 1998, and delivered them to the Secretary of State.

Sincerely,
(Signed) Kim M. Robak
Acting Governor/Lieutenant Governor

April 3, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 404, 404A, 799, 799A, 225, and 1056 were received in my office on March 30, 1998.

These bills were signed by me on April 3, 1998, and delivered them to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

## SELECT FILE

**LEGISLATIVE BILL 1070A.** Advanced to E & R for engrossment.
**LEGISLATIVE BILL 1126A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1154A.** E & R amendment, AM7243, found on page 1625, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1191A.** Advanced to E & R for engrossment.

## WITHDRAW - Amendment to LB 395

Mr. Chambers withdrew his amendment, FA725, found on page 1670, to LB 395.

## MOTIONS - Return LB 395 to Select File

Mr. Preister moved to return LB 395 to Select File for his specific amendment, FA731, found on page 1688.

Mr. Preister withdrew his motion to return.

Mr. Hilgert moved to return LB 395 to Select File for the following specific amendment:
FA795
Strike the enacting clause.

Mr. Hilgert withdrew his motion to return.

## BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 395.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 48-721 and 48-741, Reissue Revised Statutes of Nebraska, sections 48-724, 48-730, and 48-731, Revised Statutes Supplement, 1996, and sections 48-722 and 48-726, Revised Statutes Supplement, 1997; to provide for environmental audits; to state intent; to define terms; to provide penalties; to change provisions of the Boiler Inspection Act; 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, 36:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Kiel | Raikes | Thompson |
| Bohlke | Dierks | Kristensen | Robak | Vrtiska |
| Brashear | Elmer | Matzke | Schellpeper | Wehrbein |
| Bromm | Hilgert | Maurstad | Schimek | Wesely |
| Brown | Hillman | Pedersen, Dw. | Schrock | Wickersham |
| Bruning | Hudkins | Pederson, D. | Stuhr | Willhoft |
| Coordsen | Jones | Peterson, C. | Suttle | Witek |
| Crosby | | | | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Hartnett | Landis | Preister | Schmitt |
| Chambers | Jensen | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Engel | Lynch | Robinson | Tyson | Will |
| Janssen | | | | |

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 699

Mr. Chambers withdrew his amendment, FA726, found on page 1670, to LB 699.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

### LEGISLATIVE BILL 699.

A BILL FOR AN ACT relating to propane; to adopt the Propane Education and Research Act; to prescribe insurance and training requirements; and to provide civil penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Brown | Cudaback | Hillman | Kristensen |
| Beutler | Bruning | Dierks | Hudkins | Landis |
| Bohlke | Chambers | Elmer | Jensen | Matzke |
| Brashear | Coordsen | Hartnett | Jones | Maurstad |
| Bromm | Crosby | Hilgert | Kiel | Pedersen, Dw. |

| | | | | |
|---|---|---|---|---|
| Pederson, D. | Robak | Schrock | Tyson | Wickersham |
| Peterson, C. | Schellpeper | Stuhr | Vrtiska | Willhoft |
| Preister | Schimek | Suttle | Wehrbein | Witek |
| Raikes | Schmitt | Thompson | Wesely | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Engel | Janssen | Lynch | Robinson | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 632.**

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1405, 49-1459, and 49-1463, Reissue Revised Statutes of Nebraska, section 49-1488.01, Revised Statutes Supplement, 1996, and sections 32-1604 and 49-1463.01, Revised Statutes Supplement, 1997; to redefine ballot question; to change provisions relating to campaign statements, lobbyist statements of activity, and late filing fees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Jones | Preister | Suttle |
| Beutler | Cudaback | Kiel | Raikes | Thompson |
| Bohlke | Dierks | Kristensen | Robak | Tyson |
| Brashear | Elmer | Landis | Schellpeper | Vrtiska |
| Bromm | Hartnett | Matzke | Schimek | Wehrbein |
| Brown | Hilgert | Maurstad | Schmitt | Wesely |
| Bruning | Hillman | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Hudkins | Pederson, D. | Stuhr | Willhoft |
| Coordsen | Jensen | Peterson, C. | | |

Voting in the negative, 1:

Witek

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Engel | Janssen | Lynch | Robinson | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 395, 699, and 632.

## SELECT FILE

**LEGISLATIVE BILL 1209.** E & R amendment, AM7244, printed separately and referred to on page 1625, was adopted.

Mr. Dierks withdrew his amendment, AM4232, found on page 1541.

Mr. Coordsen offered the following amendment:
AM4391

(Amendments to E & R amendments, AM7244)

1. On page 5, line 7, after "operation" insert "of over three hundred animal units".

Mr. Coordsen withdrew his amendment.

Messrs. Beutler and Schellpeper offered the following amendment:
AM4437

(Amendments to E & R amendments, AM7244)

1. On page 1, line 12, after "swine" insert "weighing fifty-five pounds or more" and after the comma insert "plus the number of weaned pigs weighing less than fifty-five pounds multiplied by 0.04,".

2. On page 4, line 17, strike beginning with "during" through "permit" and insert "after permit issuance".

3. On page 7, line 21, after "section" insert "and section 6 of this act"; and in line 24 strike beginning with the first "section" through the second "this".

4. On page 9, line 14, after "obtain" insert "such".

5. On page 10, line 2, strike "the" and insert "its".

6. On page 11, line 2, after the period insert "This subsection applies to permit applications received by the department on or after September 1, 1998, for any pending application or any new permit application.".

7. On page 12, line 17, strike beginning with "Operating" through "modified" and insert "Modification of operating permits".

Messrs. Landis, Cudaback, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler-Schellpeper amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

## STANDING COMMITTEE REPORT
## Judiciary

**LEGISLATIVE BILL 1166.** Placed on General File as amended.
Standing Committee amendment to LB 1166:
AM4347

1. Strike the original sections and insert the following new sections:

"Section 1. Section 28-101, Revised Statutes Supplement, 1997, is amended to read:

28-101. Sections 28-101 to 28-1348 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. (1) For purposes of this section:

(a) Body piercing means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting jewelry or other adornments in or through the human body, except that the following are not included in this definition: (i) Puncturing the external part of the human ear and (ii) any procedure undertaken in the ordinary course of practice by a health care professional; and

(b) Tattooing means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

(2) No person shall perform body piercing or tattooing on or to any person under eighteen years of age without (a) the prior written and notarized consent of the parent or court-appointed guardian of such person or (b) the prior written consent of the parent or court-appointed guardian of such person and the presence of the person giving such consent during the body piercing or tattooing procedure. Violation of this subsection is a Class III misdemeanor.

(3) In any prosecution of a person performing body piercing or tattooing on or to a person under eighteen years of age, proof of the following shall constitute a defense to the charge: (a) The person under eighteen years of age falsely represented that he or she was eighteen years of age or older and supported such representation with identification that purported to establish that he or she was eighteen years of age or older; and (b) the person performing body piercing or tattooing was acting in good faith, relying on the identification and the appearance of the person under eighteen years of age and on the belief that such person was eighteen years of age or older.

(4) The written consent of the parent or guardian, and a copy of the letters of guardianship if such consent is granted by a guardian, shall be retained for a period of one year by the person performing body piercing or tattooing on or to a person under eighteen years of age.

Sec. 3. Original section 28-101, Revised Statutes

20 Supplement, 1997, is repealed.".

(Signed) Kermit A. Brashear, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 480.** Introduced by Executive Board: Coordsen, 32, Chairperson; Bromm, 23; Chambers, 11; Engel, 17; Hudkins, 21; Jones, 43; Kristensen, 37; Dw. Pedersen, 39; Vrtiska, 1; 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 proposal to pay excess costs for asbestos abatement in connection with the University of Nebraska-Lincoln City Campus Nebraska Union Expansion and Renovation project by the expenditure of $800,000 from the Extraordinary Maintenance and Replacement Fund established by the Resolution of the Board of Regents of the University of Nebraska dated as of December 1, 1964; and

WHEREAS, the Coordinating Commission for Postsecondary Education has recommended approval of the proposal for such expenditures by the Legislature; and

WHEREAS, the Board of Regents of the University of Nebraska has submitted the proposal for such expenditures to the Legislature for approval in accordance with the provisions of section 85-408.

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

That pursuant to section 85-408 expenditures from the Extraordinary Maintenance and Replacement Fund established by the resolution of the Board of Regents of the University of Nebraska dated as of December 1, 1964, to pay the excess costs of asbestos abatement in connection with the University of Nebraska-Lincoln City Campus Nebraska Union Expansion and Renovation project is hereby approved.

Laid over.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1998, at 9:40 a.m., were the following bills: LBs 395, 699, and 632.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## SELECT FILE

**LEGISLATIVE BILL 1209.** Mr. Dierks offered the following amendment: FA738

Amend AM7244

On page 2, line 15 after "include" insert "livestock auction markets as

defined in section 54-1158 or"

**MR. COORDSEN PRESIDING**

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

Mr. Beutler requested a roll call vote on the Dierks amendment.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Hartnett | Maurstad | Schrock | Wehrbein |
| Brown | Hillman | Peterson, C. | Stuhr | Wesely |
| Bruning | Hudkins | Robak | Thompson | Wickersham |
| Coordsen | Jones | Robinson | Tyson | Willhoft |
| Cudaback | Kristensen | Schmitt | Vrtiska | Witek |
| Dierks | Matzke | | | |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Bromm | Lynch | Schimek | Suttle |
| Bohlke | Landis | Preister | | |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Brashear | Crosby | Hilgert | Kiel | Raikes |
| Chambers | Elmer | Jensen | Pederson, D. | Schellpeper |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Engel | Janssen | Pedersen, Dw. | Will |

The Dierks amendment was adopted with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mmes. Stuhr and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved to reconsider the vote on the Dierks amendment, FA738.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Beutler motion to reconsider prevailed with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

The Dierks amendment, FA738, found in this day's Journal, was

reconsidered.

Messrs. Kristensen and Robinson 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?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Dierks requested a record vote on his reconsidered amendment.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Bruning | Hartnett | Matzke | Schmitt | Vrtiska |
| Coordsen | Hillman | Maurstad | Thompson | Willhoft |
| Cudaback | Hudkins | Peterson, C. | Tyson | Witek |
| Dierks | Jones | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Abboud | Bromm | Landis | Preister | Suttle |
| Beutler | Elmer | Lynch | Raikes | Wehrbein |
| Bohlke | Hilgert | Pedersen, Dw. | Schimek | Wesely |

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Brashear | Chambers | Jensen | Pederson, D. | Schrock |
| Brown | Crosby | Kiel | Schellpeper | Wickersham |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Engel | Kristensen | Robinson | Stuhr | Will |
| Janssen | Robak | | | |

The Dierks reconsidered amendment lost with 17 ayes, 15 nays, 10 present and not voting, and 7 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS
### Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Educational Telecommunications Commission
Frederick D. Brown

Educational Lands and Funds

Margaretha Kloepping
Robert M. Martin

Coordinating Commission for Postsecondary Education
Imogene Lou Enevoldsen

VOTE: Aye: Senators Willhoft, Wickersham, Suttle, Stuhr, Raikes, Bohlke, and Brashear. Nay: None. Absent: Senator Beutler.

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.

Nebraska Educational Telecommunications Commission
Keith Blackledge

VOTE: Aye: Senators Willhoft, Wickersham, Suttle, Stuhr, Raikes, Bohlke, and Beutler. Nay: None. Absent: Senator Brashear.

(Signed) Ardyce L. Bohlke, Chairperson

**AMENDMENT - Print in Journal**

Mr. Chambers filed the following amendment to LB 1028:
AM4448

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. 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,~~ until January 1, 1999, the rate of the sales tax levied pursuant to section 77-2703 shall be five percent, and commencing January 1, 1999, the rate of sales tax levied pursuant to section 77-2703 shall be four and one-half percent.

Sec. 6. Section 84-612, Revised Statutes Supplement, 1997, 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 or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) On June 15, 1999, the State Treasurer shall transfer forty million dollars from the Cash Reserve Fund to the General Fund.

(6) On or before June 30, 1999, the State Treasurer shall transfer thirty-four million dollars from the Cash Reserve Fund to the General Fund.".

2. On page 1, line 1, strike "section" and insert "sections 77-2701.02 and"; in line 3 strike "and 77-2716.01" and insert "77-2716.01, and 84-612"; in line 4 after the semicolon insert "to reduce the sales tax rate;"; in line 6 strike the second "an"; and in line 7 strike "date" and insert "dates".

3. Correct the operative date section and repealer so that section 1 added by this amendment becomes operative on January 1, 1999, and section 6 added by this amendment becomes operative on its effective date.

4. Renumber the remaining sections and correct internal references accordingly.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1174.** Placed on Select File as amended.
E & R amendment to LB 1174:
AM7253

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 81-15,102, Revised Statutes Supplement, 1997, is amended to read:

81-15,102. (1) The state shall accept or acquire, by gift, transfer, or purchase, from the licensed facility operator, title to the land and appurtenances used for the disposal of low-level radioactive waste after the expiration of both the operational life and closure period of the facility, if:

(a) Both the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality determine that (i) the requirements for site closure, decommissioning, and decontamination adopted pursuant to rules and regulations of the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality which are allowed under federal law have been met by the licensed facility operator and (ii) such operator is in compliance with all financial requirements; and

(b) The amendments to the Central Interstate Low-Level Radioactive Waste Compact made by Laws 1991, LB 837, section 4,

codified in section 71-3521, are in effect and have been ratified by Congress.

The title to the land and appurtenances shall be transferred without cost to the state. Such transfer of title to the state does not relieve the developer, licensed facility operator, or generators of such waste from liability for their actions that occurred whether known or unknown during the design, construction, operation, and closure of the facility. Sites received by gift or transfer shall be subject to approval and acceptance by the Legislature on behalf of the state.

(2) The applicant shall notify the Governor and the Legislature before beginning any onsite geological activity, such as soil core sampling, to determine the suitability of a site in the State of Nebraska for use as a facility.

(3) Lands and appurtenances which are used for the disposal of low-level radioactive waste shall be acquired and held in fee simple absolute by the licensed facility operator so long as such ownership does not preclude licensure or operation of the facility under federal law and until title to the land and appurtenances is transferred to the state pursuant to subsection (1) of this section. Such lands and appurtenances shall be used exclusively for the disposal of low-level radioactive waste until the department determines that such exclusive use is not required to protect the public health, safety, welfare, or environment. Before such a site is leased for other use, the department shall require and assure that the radioactive waste history of the site be recorded in the permanent land records of the site. Remedial cleanup costs which become necessary during the period of custodial care shall be assessed first to the licensed facility operator, then proportionately against the generators of the radioactive waste and as set out in the Central Interstate Low-Level Radioactive Waste Compact found in section 71-3521.

(4) The state may contract for the management of a disposal site. The contractor shall be subject to licensing by the department and shall be subject to the surety and custodial care funding provisions of section 81-15,103.

(5) If and until licensing of a facility is approved, no further construction contracts shall be let or actual construction begun, other than filling the identified wetland, before the Department of Environmental Quality has conducted a six-month public education program to inform the people of the county and the people of the state of the exact characteristics of the facility to be built, which program shall be undertaken forthwith.

Sec. 2. Section 81-15,113.01, Revised Statutes Supplement, 1997, is amended to read:

81-15,113.01. (1) There is hereby created the Community Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through ~~1997~~ 1998 remit to the

department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or proposed to be located to be distributed to each political subdivision which levied property taxes on the property where the facility is located or proposed to be located. The money shall be

distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Property Tax Administrator pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.

Sec. 3. The Executive Board of the Legislative Council in conjunction with the Natural Resources Committee of the Legislature shall conduct an interim study on the legal consequences of withdrawing from the Central Interstate Low-Level Radioactive Waste Compact. It is the intent of the Legislature that $150,000 of federal rebate funds appropriated to the Department of Environmental Quality for FY1998-99 shall be transferred to the Executive Board of the Legislative Council to hire legal counsel for advice on such issues.

Sec. 4. Original sections 81-15,102 and 81-15,113.01, Revised Statutes Supplement, 1997, 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 "revenue" in line 1 through line 16 and insert "environmental protection; to amend sections 81-15,102 and 81-15,113.01, Revised Statutes Supplement, 1997; to change provisions relating to the Low-Level Radioactive Waste Disposal Act; to require a study; to state intent regarding funding; to repeal the original sections; and to declare an emergency.".

3. On page 2, strike line 1.

**LEGISLATIVE BILL 1174A.** Placed on Select File as amended.
E & R amendment to LB 1174A:
AM7255

1. On page 1, strike beginning with "amend" in line 1 through line 8 and insert "appropriate funds to aid in carrying out the provisions of Legislative Bill 1174, Ninety-fifth Legislature, Second Session, 1998; to authorize creation of a fund; to transfer funds; and to declare an emergency.".

**LEGISLATIVE BILL 1354.** 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 1354A.** Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 1209.** Messrs. Schrock and Bruning offered the following amendment:
AM4436

(Amendments to E & R amendments, AM7244)

1. On page 6, line 24, strike "The" and insert "Before January 1, 2001, the".

2. On page 7, line 2, after the period insert "On and after January 1, 2001, the application fees shall be one hundred fifty dollars for a class I livestock waste control facility, four hundred dollars for a class II livestock waste control facility, seven hundred fifty dollars for a class III livestock waste control facility, and two thousand five hundred dollars for a class IV livestock waste control facility.".

Messrs. Cudaback, Lynch, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## VISITORS

Visitors to the Chamber were 20 students and teachers from Pound Middle School, Lincoln; 47 second grade students and teachers from Trinity Lutheran School, Lincoln; Senator Elmer's daughters, sons-in-law, and grandchildren, Crinda, Rick, Layne, Allie, and Casa McConville, Jeana, Brian, Matthew, Christoper, and Brianna Kruger, and Sharma, Rob, and Emma Dunder, and son, daughter-in-law, and grandchildren, Lewis, Lavenda, Bill, Felicia, and Richard Elmer; 46 sixth grade students and teachers from Pershing Elementary School, Lexington; 60 fourth grade students and teachers from Conestoga Elementary School, Nehawka; Paul Eldien from Lincoln and Dana and Maggie Killenger from Topeka, Kansas; and Senator Dwite Pedersen's brother, Dwain and his wife, Sheila, from Omaha.

## RECESS

At 12:02 p.m., on a motion by Mrs. Witek, 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. Janssen who was excused; and Messrs. Cudaback, Engel, Landis, Lynch, Will, and Mrs. Robak who were excused until they arrive.

## GENERAL FILE

**LEGISLATIVE BILL 1152.** Mr. Schmitt moved to bracket until May 1, 1998.

Mr. Chambers raised a point of order on whether the Schmitt motion to bracket is out of order, as a motion to bracket cannot be to a date after the sine die date.

The Chair ruled the Schmitt motion out of order.

Mr. Schmitt asked unanimous consent to bracket LB 1152 until April 14, 1998. No objections. So ordered.

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

## SELECT FILE

**LEGISLATIVE BILL 1209.** The Schrock-Bruning pending amendment, AM4436, found in this day's Journal, was renewed.

Mr. Schrock moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Schrock requested a roll call vote on the Schrock-Bruning amendment.

Voting in the affirmative, 21:

| | | | | |
|---|---|---|---|---|
| Brashear | Hudkins | Pedersen, Dw. | Robinson | Tyson |
| Brown | Jones | Pederson, D. | Schmitt | Wickersham |
| Bruning | Matzke | Peterson, C. | Schrock | Willhoft |
| Coordsen | Maurstad | Raikes | Stuhr | Witek |
| Dierks | | | | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Beutler | Hartnett | Kiel | Schellpeper | Thompson |
| Bohlke | Hilgert | Kristensen | Schimek | Wehrbein |
| Bromm | Hillman | Preister | Suttle | Wesely |
| Elmer | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Chambers | Crosby | Jensen | Vrtiska |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Engel | Landis | Robak | Will |
| Cudaback | Janssen | Lynch | | |

The Schrock-Bruning amendment lost with 21 ayes, 16 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke offered the following amendment:
AM4452

1. Insert the following new section:

"Sec. 15. The liquified remains of any dead animal may be injected below the surface of the ground but may not be spread above the surface of the ground in any manner. Any person violating the provisions of this section shall be guilty of a Class II misdemeanor.".

2. In the E & R amendments, AM7244, on page 7, line 15, strike "and" and insert an underscored comma; and in line 18 after "fund" insert ", and an analysis of the new technologies available relating to the disposal of dead animals".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

The Bohlke amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Messrs. Vrtiska, Maurstad, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Bromm, Beutler, and Schellpeper offered the following amendment:
AM4449

1. Insert the following section:

"Sec. 30. Section 88, Legislative Bill 1161, Ninety-fifth Legislature, Second Session, is amended to read:

Sec. 88. (1) The following activities do not require licensure as a geologist under the Geologists Regulation Act:

(a) Geological work performed by an employee or a subordinate of a professional geologist if the work does not include responsible charge of geological work and is performed under the direct supervision of a professional geologist who is and remains responsible for such work;

(b) Geological work performed exclusively in the

exploration for and development of energy resources and base, precious, and nonprecious minerals, including sand, gravel, and aggregate, and not having a substantial impact upon the public health, safety, and welfare, as determined by the board;

(c) Geologic research conducted through academic institutions, agencies of the federal or state governments, or nonprofit research institutions;

(d) Teaching in geology or related physical or natural sciences;

(e) Work performed by a professional engineer appropriately licensed in this state that is within the generally accepted scope of engineering practice;

(f) The practice of any other legally recognized profession;

(g) The practice of or offer to practice geology by a person not a resident of and having no established place of business in this state who desires to practice geology for a specific project. The person shall make application to the board in writing, and after payment of a fee established by the board by rule and regulation, such person may be issued a temporary permit for a definite period of time not to exceed one year if the person is legally qualified by licensure to practice geology in his or her own state or country. No right to practice geology shall accrue to such applicant with respect to any other work not set forth in the permit;

(h) Work, which includes subsurface excavation, soil and water analysis, and routine environmental monitoring, such as sample collection and water level gauging, performed by an organization for itself and in accordance with other requirements of law; ~~, which does not require geologic analysis;~~

(i) The work of employees of a political subdivision or state agency charged with natural resources conservation performing, in accordance with other requirements of law, their customary duties in operations, maintenance, and environmental monitoring;

(j) The work of employees and agents of a political subdivision or rural electric cooperative performing, in accordance with other requirements of law, their customary duties in routine utility line construction, operations, and maintenance; ~~and~~

(k) Work customarily performed by chemists, hydrologists, archeologists, geographers, pedologists, agronomists, and soil scientists;

(l) Work for which state approval or permitting is required, if such activity is in accordance with other requirements of law, rules, or regulations pertaining to the use of a geologist; and

(m) Work performed in the construction of water wells as defined in section 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells.

(2) If the board determines with respect to a particular function that the public is adequately protected without the necessity of a professional geologist performing certain services, the board may waive the requirements of the act with respect to the function.

(3) This section shall not be construed so as to prohibit the testimony of any individual before the Nebraska Oil and Gas Conservation Commission.

Sec. 31. Section 30 of this act becomes operative on January 1, 1999. The other sections of this act become operative on their effective date.

Sec. 32. Original section 88, Legislative Bill 1161, Ninety-fifth Legislature, Second Session, is repealed.".

2. Renumber the remaining sections accordingly.

Mr. Schmitt and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

The Bromm et al. amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bruning offered the following amendment:
AM4455

(Amendments to E & R amendments, AM7244)

1. On page 11, line 7, before "An" insert "(1)"; and after line 23 insert:

"(2) Notwithstanding the provisions of the Engineers and Architects Regulation Act, the department shall have authority to determine engineering requirements for class I livestock waste control facilities and existing nonpermitted livestock waste control facilities.".

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

The Bruning 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 1209A.** Advanced to E & R for engrossment.

## MOTION - Suspend Rules

Mr. Schellpeper moved to suspend the rules, Rule 3, Sec. 13 to allow for confirmation hearings for gubernatorial appointments to the Nebraska Arts

Council on Tuesday, April 7, 1998.

The Schellpeper motion to suspend the rules prevailed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

## NOTICE OF COMMITTEE HEARING
### General Affairs

Tuesday, April 7, 1998 1:00 p.m.
Nebraska Arts Council
Thomas Woods III
Kam-Ching Leung
Edward Taylor

(Signed) Stan Schellpeper, Chairperson

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 1070A, 1126A, 1154A, 1191A, 1219, and 1219A.

### Enrollment and Review Change to LB 1219

The following changes, required to be reported for publication in the Journal, have been made:
ER9155

1. In lieu of the Bromm et al. amendment, FA695, in the Coordsen amendment, AM4312:

a. On page 1, line 23, an underscored period has been inserted after "serving" and "and that signing" has been struck; and

b. On page 2, the matter beginning with "such" in line 1 through the underscored period in line 2 has been struck; and in line 3 ". The temporary mitigation funds provided in this section shall be returned if the receiving district does not merge, consolidate, or unify prior to June 30, 2000. The temporary mitigation funds need not be returned if, prior to June 30, 2000, the receiving district is unable as determined by the State Committee for the Reorganization of School Districts to merge, consolidate, or unify despite good faith efforts because all districts with which the receiving district could reasonably be expected to merge, consolidate, or unify declined such merger, consolidation, or unification" has been inserted after "1998".

2. In the Coordsen amendment, AM4312:

a. Sections 18 and 19 have been renumbered as sections 21 and 22, respectively;

b. On page 1, lines 7, 8, and 12, "school fiscal year" has been inserted after "the"; and in line 10 "school fiscal year" has been inserted after

"system's";

c. On page 2, lines 17 and 26, "the" has been struck and "school fiscal year" inserted and "school fiscal year" has been struck; and in line 25 the first "the" has been struck and "school fiscal year" inserted and "school fiscal year" has been struck;

d. On page 3, line 4, "school fiscal year" has been inserted after "for"; and in line 9 "years" has been struck and "year" inserted; and

e. On page 4, the matter beginning with "lines" in line 10 through line 11 has been struck and "line 6, before 'Revised' insert 'and 84-612,'." inserted.

3. In the Bohlke amendment, AM4338:

a. Section 17 has been renumbered as section 18;

b. On page 2, line 14, "shall" has been inserted after "employees"; and

c. On page 13, line 25, the last "and" has been struck.

4. In the E & R amendment, AM7240

a. On page 1, line 12, "Any" has been struck, shown as stricken, and "any" inserted; and in line 22 "8" has been struck and "9" inserted;

b. On page 7, line 22, the comma has been struck and shown as stricken;

c. On page 8, lines 20 and 27, "state aid and" has been struck and "and state aid" has been inserted after "tax";

d. On page 12, line 8, "9" has been struck and "10" inserted; in line 12 "8" has been struck and "9" inserted; and in line 21 "13" has been struck and "14" inserted; and

e. On page 31, line 10, "79-857," has been inserted after the third comma and "79-1098," has been inserted before "and"; in line 12 "and 79-1083.02" has been struck and "79-1083.02, 79-10,122, and 84-612" inserted; and in line 15 "to provide for temporary mitigation funds; to change provisions relating to elections for construction and equipment purchases;" has been inserted after the first semicolon.

## Enrollment and Review Change to LB 1219A

The following changes, required to be reported for publication in the Journal, have been made:
ER9154

1. In the Coordsen amendment, AM4272, on page 1, line 8, "18" has been struck and "21" inserted.

2. On page 1, line 3, "; and to declare an emergency" has been inserted after "1998".

(Signed) Jon C. Bruning, Chairperson

## MOTION - Print in Journal

Mr. Kristensen filed the following motion to LBs 1108 and 1110:

Suspend Rule 6, Section 11 so as to allow consideration of veto overrides on LB 1108 and LB 1110.

## AMENDMENT - Print in Journal

Mr. Hilgert filed the following amendment to LB 922:
AM4331

1. Strike original section 401 and insert the following new sections:

"Sec. 394. Section 37-1202, Reissue Revised Statutes of Nebraska, is amended to read:

37-1202. For the purposes of the State Boat Act, unless the context otherwise requires, the definitions found in sections 37-1203 to 37-1210 and section 395 of this act shall be used.

Sec. 395. Personal watercraft shall mean a class of inboard vessel less than sixteen feet in length which uses an internal combustion engine powering a jet pump as its primary source of motive propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than in the conventional manner of boat operation.

Sec. 396. Except as provided in sections 397 to 403 of this act, a personal watercraft shall be subject to all applicable laws, rules, and regulations which govern the operation, equipment, registration, and numbering of and all other matters relating to vessels whenever a personal watercraft is operated on the waters of this state.

Sec. 397. (1) A personal watercraft may not be operated on the waters of this state unless each person aboard the personal watercraft is wearing a Type I, Type II, Type III, or Type V United States Coast Guard-approved personal floatation device.

(2) Each person operating a personal watercraft on the waters of this state which is equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to the operator's person, clothing, or personal floatation device as appropriate.

Sec. 398. A person shall not operate a personal watercraft on the waters of this state from the period beginning one-half hour after sunset through one-half hour before sunrise.

Sec. 399. (1) A person shall operate a personal watercraft on the waters of this state at a no-wake speed of five miles per hour or less when it is within thirty yards of (a) a dock, (b) a boat ramp, (c) a person swimming, (d) a bridge structure, (e) a moored or anchored vessel, (f) a sewage pump-out facility, or (g) a nonmotorized watercraft.

(2) A person shall operate a personal watercraft on the waters of this state in a reasonable and prudent manner. A maneuver which unreasonably or unnecessarily endangers life, limb, or property is prohibited and includes weaving through congested vessel traffic or jumping the wake produced by another vessel at an unsafe distance.

(3) A person shall not operate a personal watercraft on the waters of this state unless facing forward on the watercraft.

Sec. 400. A person shall not operate a personal watercraft on the waters of this state to tow a person on water skis, kneeboards, inflatable crafts, or any other device unless the personal watercraft is designed to accommodate more than one person.

Sec. 401. Effective January 1, 1999, a person under sixteen years of age shall not operate a personal watercraft on the waters of this state unless a person seventeen years of age or older is aboard the personal watercraft, except that a person under sixteen years of age but not less than fourteen years of age may operate a personal watercraft if such person has completed a boating safety course approved by the commission and has been issued a valid boating safety certificate.

Sec. 402. Effective January 1, 1999, the owner of a boat livery, or his or her agent or employee, shall not lease, hire, or rent a personal watercraft to, or for operation by, any person under sixteen years of age. The owner of a boat livery, or his or her agent or employee, may lease, hire, or rent a personal watercraft to or for operation by any person who is under sixteen years of age but not less than fourteen years of age if the person presents his or her certificate issued under section 401 of this act.

Sec. 403. The provisions of sections 396 to 402 of this act shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition which has been authorized or permitted by the commission pursuant to sections 37-1262 and 37-1263 or is otherwise exempt from the provisions of the State Boat Act.

Sec. 406. Section 37-1213, Reissue Revised Statutes of Nebraska, is amended to read:

37-1213. Vessels subject to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act shall be divided into four classes as follows:

Class 1. Less than sixteen feet in length including all canoes regardless of length;

Class 2. Sixteen feet or over and less than twenty-six feet in length;

Class 3. Twenty-six feet or over and less than forty feet in length; and

Class 4. Forty feet or over.

Sec. 409. Section 37-1224, Reissue Revised Statutes of Nebraska, is amended to read:

37-1224. When the owner of any vessel registered under ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act moves out of the state or upon the transfer of ownership of any vessel, such owner or transferor shall be credited with the number of unexpired months remaining in the registration period. If such vessel is removed from the state or transferred within the same calendar month in which it was registered, no refund shall be

allowed for such month. Any individual moving out of the state or transferring ownership to any vessel may file a claim for refund with the commission upon forms provided by the commission. The commission shall make payment to the claimant from money available from the State Game Fund appropriated for such purpose, but no refund shall be paid if less than twelve months remains in the registration period.

Sec. 410. Section 37-1225, Reissue Revised Statutes of Nebraska, is amended to read:

37-1225. In the event that an agency of the United States Government shall have in force an overall system of identification numbering for vessels within the United States, the commission may by rules and regulations adopt such numbering system as the numbering system pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act.

Sec. 413. Section 37-1228, Reissue Revised Statutes of Nebraska, is amended to read:

37-1228. Certificates of number and the number awarded shall expire December 31 of each three-year numbering period and shall no longer be of any force or effect unless renewed pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act. The fee for renewal registration shall be the same as for original registration. Owners whose registration has expired shall have until March 1 following the year of expiration to renew such registration. Every certificate of number shall contain the following information: Name and address of the owner, classification number or letter as classified by the commission, length, type of construction, material used in the boat, whether inboard or outboard motor power, type of fuel, make, the horsepower rating of motor or motors, and the hull identification number.

Sec. 414. Section 37-1231, Reissue Revised Statutes of Nebraska, is amended to read:

37-1231. No number other than the number awarded to a vessel or granted reciprocity pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act shall be attached on either side of the bow of such vessel.

Sec. 415. Section 37-1241, Reissue Revised Statutes of Nebraska, is amended to read:

37-1241. (1) Every vessel except sailboards shall carry at least one life preserver, ring buoy, or other device of the sort prescribed by the regulations of the commission for each person on board, so placed as to be readily accessible, except that every vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the commission for each person on board. Every vessel except canoes, kayaks, sailboards, and personal watercraft shall carry at least one throwable floatation device which shall be in addition to the devices required for each person on board.

(2) Subsection (1) of this section shall not apply to any racing shell or rowing scull during an authorized race or regatta or an officially supervised training session if at least one approved floatation device is carried aboard an accompanying vessel for each person in such racing shell or rowing scull. Such floatation devices shall be in addition to those required for each person aboard the accompanying vessel.

(3) For purposes of this section, sailboard ~~:~~

~~(a) Personal watercraft shall mean a class of inboard vessel less than sixteen feet in length which uses an internal combustion engine powering a jet pump as its primary source of motive propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than in the conventional manner of boat operation; and~~

~~(b)~~ Sailboard shall mean a surfboard-type vessel with no freeboard and using a free-sail system with a swivel-mounted mast not secured to a hull by guys or stays.

Sec. 416. Section 37-1248, Reissue Revised Statutes of Nebraska, is amended to read:

37-1248. No person shall operate or give permission for the operation of a vessel which is not equipped as required by ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act.

Sec. 417. Section 37-1249, Reissue Revised Statutes of Nebraska, is amended to read:

37-1249. A vessel shall not be required to be numbered pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act if it is:

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state, if ~~;~~ ~~PROVIDED, that~~ such boat ~~shall not have~~ has not been within this state for a period in excess of sixty consecutive days;

(2) A vessel from a country other than the United States temporarily using the waters of this state;

(3) A vessel whose owner is the United States, a state, or a subdivision thereof; or

(4) A ship's lifeboat.

Sec. 418. Section 37-1250, Reissue Revised Statutes of Nebraska, is amended to read:

37-1250. The commission may by rule and regulation exempt a vessel from numbering under ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act after the commission has found that the numbering of certain vessels will not materially aid in their safety and identification.

Sec. 419. Section 37-1264, Reissue Revised Statutes of Nebraska, is amended to read:

37-1264. The provisions of ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act and of other applicable laws of this state shall govern the operation, equipment, numbering, and all

other matters relating thereto whenever any vessel shall be operated on the waters of this state~~,~~ or when any activity regulated by ~~sections 37-1201 to 37-1273 and 37-1291~~ the act shall take place thereon. Nothing ~~; but nothing~~ in ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels the provisions of which are identical to the provisions of ~~sections 37-1201 to 37-1273 and 37-1291, amendments thereto,~~ the act or rules or regulations issued thereunder, but such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of ~~sections 37-1201 to 37-1273 and 37-1291, amendments thereto,~~ the State Boat Act or rules or regulations issued thereunder.

Sec. 420. Section 37-1268, Reissue Revised Statutes of Nebraska, is amended to read:

37-1268. The commission shall adopt and promulgate such rules and regulations as are necessary to carry out ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act. In adopting such rules and regulations, the commission shall be governed by the provisions of the Administrative Procedure Act.

Sec. 422. Section 37-1270, Reissue Revised Statutes of Nebraska, is amended to read:

37-1270. Any person who violates any provisions of ~~sections 37-1201 to 37-1269~~ the State Boat Act, or any provisions of the rules and regulations established by the ~~Game and Parks Commission~~ commission pursuant thereto, for which a penalty is not otherwise provided, shall be guilty of a Class V misdemeanor for each such violation.

Sec. 423. Section 37-1271, Reissue Revised Statutes of Nebraska, is amended to read:

37-1271. Any person who violates any provision of section 37-1251 or 37-1252, ~~or~~ sections 37-1258 to 37-1261, or sections 397 to 400 and 402 of this act shall be guilty of a Class IV misdemeanor for each violation.

Sec. 425. Section 37-1291, Revised Statutes Supplement, 1996, is amended to read:

37-1291. Sections 37-1201 to 37-1291 and sections 395 to 403 and 411 of this act shall be known and may be cited as the State Boat Act.

Sec. 437. There is hereby appropriated (1) $189,251 from the State Game Fund for FY1998-99 and (2) $73,636 from the State Game Fund for FY1999-00 to the Game and Parks Commission, for Program 336, to aid in carrying out the provisions of this act.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $26,948 for FY1998-99 or $27,709 for FY1999-00.".

2. Renumber the remaining sections, correct the repealer, and correct internal references accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 1293.** Title read. Considered.

The Standing Committee amendment, AM3994, printed separately and referred to on page 1318, was considered.

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

Mr. Hartnett renewed his pending amendment, AM4381, found on page 1703, to the Standing Committee amendment.

Mr. Schellpeper and Mrs. Kiel asked unanimous consent to be excused until they return. 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.

The Standing Committee amendment, as amended, 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 1293A.** Title read. Considered.

Mr. Hartnett renewed his pending amendment, AM4382, found on page 1708.

The Hartnett 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 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

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

## AMENDMENTS - Print in Journal

Messrs. Wickersham and Wehrbein filed the following amendment to LB 1104:
AM4398

(Amendments to AM4378)

1. Insert the following new section:

"Sec. 12. Section 77-2715.02, Revised Statutes Supplement, 1997, 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) Except as provided in subdivision (2)(e) of this section, 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;

(e) For tax years 1997 and 1998, 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 .6784, .9432, 1.3541, and 1.8054;

~~(d) Except as provided in subdivision (2)(e) of this section, 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;~~

~~(e) For tax years 1997 and 1998, 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 .6784, .9432, 1.3541, and 1.8054;~~

(f) 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

(g) 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.".

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections accordingly.

Messrs. Wickersham and Wehrbein filed the following amendment to LB 1104:
AM4400

(Amendments to AM4378)

1. On page 1, line 9, strike "one-half" and insert "three-quarters".

Messrs. Wickersham, Wehrbein, and Raikes filed the following amendment to LB 1104:
AM4447

(Amendments to AM4378)

1. On page 1, lines 6 and 7, strike "January" and insert "October".

2. On page 2, line 12, strike "January" and insert "October".

## UNANIMOUS CONSENT - Member Excused

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

## GENERAL FILE

**LEGISLATIVE BILL 1266.** Title read. Considered.

The Standing Committee amendment, AM3728, found on page 1035, was considered.

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

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

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1321.** Placed on Select File as amended.
(E & R amendment, AM7256, 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 1321A.** Placed on Select File.

**LEGISLATIVE BILL 465.** Placed on Select File as amended.
E & R amendment to LB 465:
AM7258

1. On page 1, line 1, strike "section" and insert "sections 28-915.01 and"; and strike line 4 and insert "provisions; to provide an operative date; and to repeal the original sections.".

(Signed) Jon C. Bruning, Chairperson

## AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 922:
AM4409

1. In the Beutler amendment, AM4135, on page 2, line 26, before "controlled" insert "commercial".
2. On page 117, line 19, strike "game" and show as stricken.
3. On page 134, line 4, strike "and 282" and insert ", 188, and 282".

Messrs. Abboud and Kristensen filed the following amendment to LR 303CA:

AM4311

1. On page 1, after line 14, insert

"Sec. 2. At the general election in November 1998 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 21:

V-21 '(1) In the case of any vacancy in the Supreme Court, ~~or~~ in ~~any district~~ the appellate court, or in ~~such other court or courts made subject to this provision by law~~ any other inferior court, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him or her by the appropriate judicial nominating commission. If the Governor shall fail to make an appointment from the list within sixty days from the date it is presented to him or her, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court and each judge of the appellate court and any other inferior court ~~or district court or such other court or courts as the Legislature shall provide~~ shall have his or her right to remain in office subject to approval or rejection by the electorate in such manner as the Legislature shall provide. ~~; PROVIDED, that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification shall be deemed to have been selected and to have once received the approval of the electorate as herein provided, and shall be required to submit his right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed, and every six years thereafter.~~ In the case of the Chief Justice and each Judge of the Supreme Court and each judge of the appellate court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of ~~any Judge of the Supreme Court, other than the Chief Justice, and~~ any judge of ~~the district court or~~ any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court, ~~and~~ one for each judicial

district of the Supreme Court and ~~of the district~~ the appellate court, and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as ~~chairman~~ chairperson, but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number to serve as members of ~~said~~ the commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of ~~said~~ the commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his or her nomination or for such additional period as the Legislature shall provide. The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his or her name submitted to the Governor.'."; and in line 15 strike "amendment" and insert "amendments".

2. On page 2, after line 5, insert

" 'A constitutional amendment to provide for the retention of judges of the Supreme Court and Court of Appeals on a statewide basis.

For

Against'.".

3. Renumber the remaining section accordingly.

Mr. Wickersham filed the following amendment to LB 1104:
AM4419

(Amendments to AM3950)

1. Insert the following new sections:

"Sec. 4. Section 25-1563.01, Reissue Revised Statutes of Nebraska, is amended to read:

25-1563.01. In bankruptcy and in the collection of a money judgment, the following benefits shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors: To the extent reasonably necessary for the support of the debtor and any dependent of the debtor, an interest held under a stock bonus, pension, profit-sharing, or similar plan or contract payable on account of illness, disability, death, age, or length of service unless:

(1) Within two years prior to bankruptcy or to entry against the individual of a money judgment which thereafter becomes final, such plan or contract was established or was amended to increase contributions by or under the auspices of the individual or of an insider that employed the individual at the time the individual's rights under such plan or contract arose; or

(2) Such plan or contract does not qualify under section 401(a), 403(a), 403(b), ~~or~~ 408, or 408A of the Internal Revenue Code.

For purposes of this section, unless the context otherwise requires, insider shall have the meaning provided in 11 U.S.C. 101. ~~(31).~~

Sec. 5. Any entity authorized under the laws of this state to act as trustee or custodian of an account under the terms and provisions of section 408(a) or section 220 of the Internal Revenue Code shall be authorized to act in such capacity for any account created within the provisions of section 530 or section 408A of the Internal Revenue Code.".

2. Correct the operative date section and repealer so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Bohlke filed the following amendment to LB 1104:
AM4446

1. Insert the following new sections:

"Sec. 27. Section 79-1001, Revised Statutes Supplement, 1997, is amended to read:

79-1001. Sections 79-1001 to 79-1033 and sections 29 to 31 of this act shall be known and may be cited as the Tax Equity and Educational Opportunities Support Act.

Sec. 28. Section 79-1003, Revised Statutes Supplement, 1997, is amended to read:

79-1003. For purposes of the Tax Equity and Educational Opportunities Support Act:

(1) Adjusted general fund operating expenditures means general fund operating expenditures as calculated pursuant to subdivision (21) of this section minus the transportation allowance and, for purposes of state aid paid in school fiscal year 1998-99 and each school fiscal year thereafter, minus the special education allowance;

(2) Adjusted valuation means the assessed valuation of taxable property of each district in the state, for school fiscal years before school fiscal year 1998-99, and of each local system in the state, for school fiscal year 1998-99 and each school fiscal year thereafter, adjusted pursuant to the adjustment factors described in section 79-1016. For the calculation of state aid to be paid in school year 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 each school year thereafter, adjusted valuation means the adjusted valuation for the property tax year ending during the school year immediately preceding 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 79-1015, adjusted valuation does 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;

(3) Allocated income tax funds means the amount of assistance paid to a district pursuant to section 79-1004 or 79-1005 and, for school fiscal year 1998-99 and each school fiscal year thereafter, as adjusted by the minimum levy adjustment pursuant to section 79-1008.02;

(4) Average daily membership means the average daily membership for grades kindergarten through twelve attributable to the district for school fiscal years before school fiscal year 1998-99, and for school fiscal year 1998-99 and each school fiscal year thereafter, attributable to the local system, as provided in each district's annual statistical summary and includes the proportionate share of students enrolled in a public school instructional program on less than a full-time basis;

(5) Average daily membership tiers means groupings of districts by the number of students comprising a district's average daily membership in a specified grade range;

(6) Base fiscal year means (a) for school district reorganizations which occurred prior to the 1995-96 school fiscal year, the first fiscal year in which all data sources reflect the reorganized district as a single district for the calculation of state aid and (b) for school district reorganizations which occur during or after the 1995-96 school fiscal year, the second fiscal year following the year in which the reorganization occurred;

(7) Board means the school board or board of education of each school district;

(8) Categorical federal funds means 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;

(9) Consolidate means to voluntarily reduce the number of school districts providing education to a grade group and does not include dissolution pursuant to section 79-498;

(10) Current school year means the current school fiscal year;

(11) Department means the State Department of Education;

(12) District means any Class I, II, III, IV, V, or VI school district;

(13) Ensuing school year means the school year following the current school year;

(14) Equalization aid means the amount of assistance paid to a district pursuant to sections 79-1008 to 79-1022;

(15) Fall membership means the total membership in kindergarten through grade twelve attributable to the district for school fiscal years before school fiscal year 1998-99, and for school fiscal year 1998-99 and each school fiscal year thereafter, attributable to the local system, as reported on the fall school district membership reports for the local system pursuant to section 79-528;

(16) Fiscal year means the state fiscal year which is the period from July 1 to the following June 30;

(17) Formula students means (a) for state aid certified pursuant to section 79-1022, the sum of fall membership from the school year immediately preceding the school year in which the aid is to be paid, multiplied by the average ratio of average daily membership to fall membership for the most recently available complete data year and the two school years prior to the most recently available complete data year, and tuitioned students from the school year immediately preceding the school year in which the aid is to be paid and (b) for final calculation of state aid pursuant to section 79-1065, the sum of average daily membership and tuitioned students from the school year immediately preceding the school year in which the aid was paid;

(18) Full-day kindergarten means kindergarten offered by a district for at least one thousand thirty-two instructional hours;

(19) General fund budget of expenditures means 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 79-1023, the general fund budget of expenditures does not include any special grant funds, exclusive of local matching funds, received by a district subject to the approval of the department;

(20) General fund expenditures means all expenditures from the general fund;

(21) General fund operating expenditures means the total general fund expenditures minus categorical funds, tuition paid, transportation fees paid to other districts, adult education, summer school, community services, redemption of the principal portion of general fund debt service, and transfers from other funds into the general fund. (a) For state aid to be paid for school years through 1997-98, general fund operating expenditures shall be as reported in the annual financial reports from the most recently available complete data year, and (b)(i) for state aid certified pursuant to section 79-1022 and budget limitations certified pursuant to section 79-1026 for school year 1998-99 and each year thereafter, general fund operating expenditures shall

equal the general fund operating expenditures from the most recently available complete data year, adjusted by the average annual change in each district's general fund operating expenditures for the most recently available complete data year and the two school years immediately preceding the most recently available complete data year and (ii) for final calculation of state aid pursuant to section 79-1065, general fund operating expenditures shall be as reported in the annual financial reports from the most recently available complete data year;

(22) Income tax liability means 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;

(23) Income tax receipts means the amount of income tax collected pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;

(24) High school district means a school district providing instruction in at least grades nine through twelve;

(25) Local system means a Class VI district and the associated Class I districts or a Class II, III, IV, or V district and any affiliated Class I districts or portions of Class I districts. The membership, expenditures, and resources of Class I districts that are affiliated with multiple high school districts will be attributed to local systems based on the percent of the Class I valuation that is affiliated with each high school district;

(26) Low-income child means a child under nineteen years of age living in a household having an annual adjusted gross income of fifteen thousand dollars or less for the second calendar year preceding the beginning of the school fiscal year for which aid is being calculated;

(27) Most recently available complete data year means 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;

(28) Regular route transportation means the transportation of students on regularly scheduled daily routes to and from the attendance center;

(29) Reorganized district means any district involved in a consolidation and currently educating students following consolidation;

(30) Special education means specially designed kindergarten through grade twelve instruction pursuant to section 79-1125, and includes special education transportation;

(31) Special education allowance means the amount of special education receipts included in local system formula resources under subdivisions (7) and (16) of section 79-1018.01;

(32) State aid means the amount of assistance paid to a

district pursuant to sections 79-1005 and 79-1007 to 79-1022 and for school fiscal year 1998-99 and each school fiscal year thereafter, pursuant to sections 79-1005, 79-1005.01, and 79-1007 to 79-1022;

(33) State board means the State Board of Education;

(34) State support means all funds provided to districts by the State of Nebraska for the general fund support of elementary and secondary education;

(35) Target state aid percentage means the percentage of state sales tax and income tax revenue needed to fund the state aid formula at the level of appropriations described in section 79-1031.01 for the 1999-01 biennium;

(36) Transportation allowance means: (a) For state aid to be paid through school year 1997-98, the lesser of (i) the general fund expenditures for regular route transportation and in lieu of transportation expenditures pursuant to section 79-611, in the most recently available complete data year, but not including special education transportation expenditures or other expenditures previously excluded from general fund operating expenditures or (ii) the number of miles traveled in the most recently available complete data year by vehicles owned, leased, or contracted by the district for the purpose of regular route transportation multiplied by four hundred percent of the mileage rate established by the Department of Administrative Services pursuant to section 81-1176 as of January 1 of the most recently available complete data year added to in lieu of transportation expenditures pursuant to section 79-611, from the same data year. 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 79-611; and (b) for state aid to be paid in school year 1998-99 and each year thereafter, the lesser of (i) the general fund expenditures for regular route transportation and in lieu of transportation expenditures pursuant to section 79-611 in the most recently available complete data year, but not including special education transportation expenditures or other expenditures previously excluded from general fund operating expenditures, except that for state aid certified pursuant to section 79-1022 and budget limitations certified pursuant to section 79-1026, the general fund operating expenditures for regular route transportation and in lieu of transportation expenditures shall equal such expenditures from the most recently available complete data year, adjusted by the average annual change in each district's such expenditures for the most recently available complete data year and the two school years immediately preceding the most recently available complete data year or (ii) the number of miles traveled in the most recently available complete data year by vehicles owned, leased, or contracted by the district for the purpose of regular route

transportation multiplied by four hundred percent of the mileage rate established by the Department of Administrative Services pursuant to section 81-1176 as of January 1 of the most recently available complete data year added to in lieu of transportation expenditures pursuant to section 79-611 from the same data year or, for state aid certified pursuant to section 79-1022 and budget limitations certified pursuant to section 79-1026, the in lieu of transportation expenditures for this subdivision shall equal such expenditures from the most recently available complete data year, adjusted by the average annual change in each district's such expenditures for the most recently available complete data year and the two school years immediately preceding the most recently available complete data year; and

~~(36)~~ (37) Tuitioned students means students in kindergarten through grade twelve of the district whose tuition is paid by the district to some other district or education agency.

Sec. 29. By September 1, 1998, the Education Committee and the Revenue Committee of the Legislature, in conjunction with the School Finance Review Committee, shall determine the target state aid percentage. Such target state aid percentage shall be dedicated for state aid to school districts. It is the intent of the Legislature that receipts derived from the target state aid percentage shall be used for biennial appropriations for state aid to school districts for the purposes of stabilizing state support for public schools and for maintaining property tax reductions implemented through property tax limitations pursuant to Laws 1996, LB 1114.

Sec. 30. For each biennium beginning with the 1999-01 biennium, the Legislative Fiscal Analyst shall determine:

(1) The amount of appropriations necessary to fund the state aid formula at the level of appropriations described in section 79-1031.01 for school fiscal years 1999-00 and 2000-01;

(2) The annual percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as reported by the United States Department of Labor, Bureau of Labor Statistics;

(3) The projected amount of revenue which would be generated by the target state aid percentage; and

(4) The historic average annual growth rate of the state sales tax and income tax revenue over the prior fifteen-year period, adjusted for changes in base and rate and for court decisions.

Sec. 31. (1) It is the intent of the Legislature to appropriate for state aid to school districts each biennium, to the Tax Equity and Educational Opportunities Fund, an amount equal to the greater of: (a) The amount necessary to fund state aid to schools at the level of appropriations described in section 79-1031.01 or (b) the amount generated by application of the annual percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as described in section 30 of this

act, to the preceding year's appropriation level.

(2) It is the intent of the Legislature that (a) any revenue generated from state revenue growth, based on the target state aid percentage, beyond that needed for the biennial appropriation to the Tax Equity and Educational Opportunities Fund and (b) an amount equal to the revenue generated from one-half percent of the sales tax rate levied under section 77-2703 shall be paid into the State Aid to Schools and Property Tax Stabilization Fund, which fund is hereby created. It is further the intent of the Legislature that no growth in state revenue which would be derived from the target state aid percentage shall be appropriated to the State Aid to Schools and Property Tax Stabilization Fund beyond the amount which would be produced by application of a percentage figure which equates to the historical average growth rate of the sales tax and income tax, as described in section 30 of this act. Any money in the State Aid to Schools and Property Tax Stabilization 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. It is the intent of the Legislature to utilize the State Aid to Schools and Property Tax Stabilization Fund to make appropriations to the Tax Equity and Educational Opportunities Fund in those biennia when the revenue derived from the target state aid percentage would be insufficient to fund the state aid formula at the level described in subsection (1) of this section.

Sec. 32. Section 79-1031.01, Revised Statutes Supplement, 1997, is amended to read:

79-1031.01. It is the intent of the Legislature to ensure sufficient appropriations to the School District Income Tax Fund and to the Tax Equity and Educational Opportunities Fund to result in a statewide tax levy for each year's state aid calculation that would be less than the maximum tax levy specified in section 77-3442. To carry out the intent of this provision, the Legislative Fiscal Analyst shall calculate an amount which most accurately accounts for the growth in school district budgets, using the criteria established in section 30 of this act. The Appropriations Committee of the Legislature shall annually include ~~such~~ the amounts required by sections 29 to 31 of this act in its recommendations to the Legislature to carry out the requirements of this section.".

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. Willhoft filed the following amendment to LB 1219:
AM4405

(Amendments to Final Reading copy)

1. On page 35, line 10, after "the" insert "two-year".
2. On page 36, line 4, after the semicolon insert "(iii) The local system contains more than one hundred seventy-five square miles;"; in line 5 strike "(iii)" and insert "(iv)"; strike lines 22 through 24; and in line 25 strike "(c)" and insert "(b)".
3. On page 37, line 2, strike "and"; in line 3 strike "(d)" and insert "(c)"; and in line 9 after "1998" insert "; and

(d) Two-year percentage growth in students means the sum of the growth in students for school fiscal year 1996-97 and school fiscal year 1997-98 to be calculated by applying the methodology in section 79-1025 as it existed on January 1, 1998, except that growth in students is calculated for local systems rather than districts and may be negative for each school fiscal year for the purpose of adding the growth in students together from each school fiscal year but the two-year percentage growth rate shall be zero if the sum is negative".

## MESSAGE FROM THE GOVERNOR

April 6, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 204, 204A, and 1173 were received in my office on March 31, 1998.

These bills were signed by me on April 6, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

## GENERAL FILE

**LEGISLATIVE BILL 218.** Title read. Considered.

Messrs. Maurstad, Brashear, and Mrs. Brown renewed their pending amendment, AM4189, printed separately and referred to on page 1533.

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

The Maurstad et al. amendment was adopted with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 1193.** Mr. Matzke withdrew his amendment, FA647, found on page 1482.

Messrs. Dierks, Landis, and Wickersham renewed their pending amendment, AM4224, found on page 1547.

The Dierks et al. amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Bruning withdrew his amendment, AM4231, found on page 1532.

Mrs. Hudkins offered the following amendment:
AM4438

1. Insert the following sections:

"Sec. 5. Section 2-4402, Reissue Revised Statutes of Nebraska, is amended to read:

2-4402. As used in ~~sections 2-4401 to 2-4404~~ the Nebraska Right to Farm Act, unless the context otherwise requires:

(1) Farm or farm operation ~~shall mean~~ means any tract of land over ten acres in area used for or devoted to the commercial production of farm products; ~~and~~

(2) Farm product ~~shall mean~~ means those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur; and

(3) Public grain warehouse or public grain warehouse operation means any grain elevator building or receptacle in which grain is held for longer than ten days and includes, but is not limited to, all buildings, elevators, and warehouses consisting of one or more warehouse sections within the confines of a city, township, county, or state that are considered a single delivery point with the capability to receive, load out, weigh, and store grain.

Sec. 6. Section 2-4403, Reissue Revised Statutes of Nebraska, is amended to read:

2-4403. A farm or farm operation or a public grain warehouse or public grain warehouse operation shall not be found to be a public or private nuisance if the farm or farm operation or

public grain warehouse or public grain warehouse operation existed before a change in the land use or occupancy of land in and about the locality of such farm or farm operation or public grain warehouse or public grain warehouse operation and before such change in land use or occupancy of land the farm or farm operation or public grain warehouse or public grain warehouse operation would not have been a nuisance.

Sec. 7. Original sections 2-4402 and 2-4403, Reissue Revised Statutes of Nebraska, are repealed.".

2. Underscore original sections 1 to 4.

Mrs. Witek and Mr. Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Hudkins amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1193A.** Mr. Dierks renewed his pending amendment, AM4060, found on page 1345.

The Dierks amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

Mr. Will and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

**AMENDMENTS - Print in Journal**

Mr. Bruning filed the following amendment to LB 1176:
AM4462

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Quality Work Force Academic Loan Program Act.

Sec. 2. For purposes of the Quality Work Force Academic Loan Program Act:

(1) Commission means the Coordinating Commission for Postsecondary Education;

(2) Department means the Department of Economic Development;

(3) Full-time employment means the amount of time as defined by the loan recipient's employer or by industry standards;

(4) Full-time student has the meaning as defined by the commission in rules and regulations adopted and promulgated

pursuant to the act;

(5) Participating business means a business that contributes to the Quality Work Force Academic Loan Program Revolving Fund;

(6) Participating institution means a regionally or nationally accredited public, nonprofit, or private postsecondary educational institution in this state which complies with the act;

(7) Part-time student has the meaning as defined by the commission in rules and regulations adopted and promulgated pursuant to the act; and

(8) Resident student means an individual who is domiciled in Nebraska as provided by section 85-502.

Sec. 3. The purposes of the Quality Work Force Academic Loan Program Act are to:

(1) Retain resident students and graduates in the Nebraska work force who have attended a Nebraska postsecondary educational institution and demonstrated academic achievement in either applied technology or academic programs or courses;

(2) Encourage students to seek education and training in fields which are essential to the economic development of the state;

(3) Promote development, attraction, and retention of workers in Nebraska by establishing the Quality Business Consortium which shall consist of businesses in this state that support this state's postsecondary students by providing internships;

(4) Establish a loan contract that requires a loan recipient to obtain full-time employment in this state after graduation and complete a designated number of hours at an internship with a business participating as a member of the Quality Business Consortium;

(5) Provide for the administration of the program and distribution of appropriated state funds by the commission, with the individual loans determined and directly disbursed by participating institutions according to rules and regulations of the commission; and

(6) Provide funds for the program in such amounts as may be appropriated by the Legislature.

Sec. 4. (1) The commission shall establish and maintain an information data base which (a) details current efforts by postsecondary educational institutions in this state to recruit students and to place graduates of such institutions with Nebraska businesses and (b) provides the number of graduates participating in the Quality Work Force Academic Loan Program from participating institutions.

(2) The data base information regarding loan recipients shall include (a) their majors and degrees, (b) their employment decisions regarding location of residence, (c) the industry and business name in which employed, (d) the title of their position, and (e) their total compensation and benefits.

(3) The commission shall submit to the Executive Board of the Legislative Council an annual report containing pertinent information obtained pursuant to this section.

Sec. 5. (1) The department, the commission, and representatives of participating institutions shall develop a plan to increase the number of postsecondary students and graduates who remain in the work force of this state. The plan shall include a process to annually identify the state's high-priority work force needs. High- priority work force needs shall be areas of employment in which there is a lack of qualified applicants and industry areas having the highest employment growth rate. High-priority work force needs shall be identified through information compiled by the Nebraska Career Information System, the United States Department of Labor, and the Bureau of Business Research of the University of Nebraska-Lincoln. The recommended high-priority work force needs shall be reviewed by the Executive Board of the Legislative Council.

(2) The department shall establish the Quality Business Consortium which shall consist of businesses in this state that provide an internship and pay an annual fee. The fee is determined by a formula developed by the commission and the department based on the number of internships being offered by the participating business and the number of people employed by such business. The business fees shall be placed in the Quality Work Force Academic Loan Program Revolving Fund to be used for the funding of student loans. Participating businesses shall offer (a) paid internships negotiated between the student and the business, (b) for-college-credit internships, or (c) both. The participating businesses shall report to the commission when the student internship has been completed. The report shall include (a) whether the former intern was offered permanent employment when the student internship or graduation requirements were completed, (b) reasons given by the business for withholding an offer if it was not made, (c) reasons given by the student for declining the offer if it was not accepted, and (d) pertinent information as determined by the commission to help evaluate the program. The department shall, in cooperation with the commission, recruit businesses to participate in the Quality Business Consortium that will provide internships in fields identified as high-priority work force needs.

(3) The department shall, in cooperation with the commission, develop a program to pair loan recipients under the Quality Work Force Academic Loan Program Act with appropriate internships at participating businesses. Whenever feasible, such internships shall be administered through existing internship programs.

(4) The department shall adopt and promulgate rules and regulations to implement this section.

Sec. 6. (1) The Quality Work Force Academic Loan Program is created. The commission shall administer the program and shall

adopt and promulgate rules and regulations to implement the Quality Work Force Academic Loan Program Act. The commission shall annually submit a report to the Executive Board of the Legislative Council regarding the rules and regulations governing the program and its implementation.

(2) Loans shall be awarded only to part-time and full-time resident students who are enrolled in a degree, diploma, or certificate program at a participating institution. Loans shall not be awarded to students enrolled in customized courses and programs for which industry is providing over fifty percent of the financial support, either directly or indirectly, and for which the students are not being charged tuition or mandatory fees by the participating institution.

(3) Loans shall be funded from the Quality Work Force Academic Loan Program Revolving Fund and shall be awarded to students through participating institutions in conjunction with the commission in consideration of each student's academic achievements, career goals, and financial need in accordance with rules and regulations of the commission. As a secondary criterion, when qualified loan applicants exceed the funds available, a participating institution shall give preference to students whose course or program work is identified as a high-priority work force need pursuant to section 5 of this act.

(4) Loan recipients, at or before graduation, with exceptions identified by the commission, must also complete an internship with a participating business. The commission shall define internship requirements based on the requirements of participating institutions.

(5) For full-time students enrolled in a degree, diploma, or certificate program, loans shall be awarded on an annual basis in an amount not less than one quarter of the student's tuition and mandatory fees combined. Loans shall not be awarded to individual students for a cumulative period exceeding five consecutive years. The commission shall develop appropriate policies for part-time students which are consistent with policies developed for full-time students.

(6) Loans shall only be awarded through a participating institution to a qualified student. Participating institutions shall comply with the act and the rules and regulations of the commission. The commission may create an application and audit process for participating institutions.

(7) The amount of funding available shall be divided among all participating institutions annually for loans in compliance with the Quality Work Force Academic Loan Program based on a distribution formula as determined by the commission in accordance with its rules and regulations.

Sec. 7. The Quality Work Force Academic Loan Program Revolving Fund is created. The fund shall consist of appropriations by the Legislature, loan repayments, penalties,

interest payments, contributions and fees from participating businesses, and any other funds received in the course of administering the program. The fund shall be administered by the commission. When appropriated by the Legislature, any balance in the fund may be disbursed to participating institutions for loans under the Quality Work Force Academic Loan Program or for the costs incurred in administering the program. 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. 8. (1) To be eligible for a loan under the Quality Work Force Academic Loan Program, a full-time student shall sign a contract with the commission at the time the loan is awarded. The contract shall require that if (a) the loan recipient is not employed full time in Nebraska within six months after graduation for a time period equal to the number of years such loans were received, (b) the loan recipient has not completed the internship requirement with a participating business by the date of his or her graduation, (c) the loan recipient is not enrolled as a full-time student in a graduate program within six months after obtaining an undergraduate degree for which a loan from the program was obtained, or (d) the loan recipient does not complete the requirements for graduation within five consecutive years, the amount awarded must be repaid with interest at the rate fixed pursuant to section 45-103 as of the date the loan recipient signed the contract and an appropriate penalty as determined by the commission may be assessed. The commission may by rules and regulations provide for exceptions to the conditions based upon mitigating circumstances. For part-time students, the commission shall develop appropriate policies which are consistent with the policies established for full-time students. A student who is awarded a loan must agree in writing to use the loan for tuition and mandatory fees only.

(2) If the student (a) successfully completes the program of study, (b) completes a qualifying internship program, (c) becomes timely employed full time within the state, and (d) otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the applicant is required to remain employed in this state under the contract. After completion of the required period of full-time employment in Nebraska, the loan shall be forgiven.

(3) The commission has the administrative responsibility to track loan recipients and to develop repayment tracking and collection mechanisms. The commission may contract for services. When a loan has been forgiven, the amount becomes taxable income and the commission shall provide notification of such to the loan recipient, the Department of Revenue, and the United States Internal Revenue Service.

Sec. 9. The commission shall require an annual report on

the Quality Work Force Academic Loan Program from each participating institution. On or before December 15 of each year, the commission shall submit a report to the Governor and the Clerk of the Legislature providing, at a minimum, information on an institution-by-institution basis, areas identified as high-priority work force needs, and the full-time or part-time status of loan recipients. The report shall include a financial statement and a description of the activity of the Quality Work Force Academic Loan Program Revolving Fund.".

Mr. Wesely filed the following amendment to LB 1354A:
AM4463

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated (1) $7,000 from the Bureau of Examining Boards' Cash Fund for FY1998-99 and (2) $10,000 from the Bureau of Examining Boards' Cash Fund for FY1999-00 to the Department of Health and Human Services Regulation and Licensure, for Program 178, to aid in carrying out the provisions of Legislative Bill 1354, Ninety-fifth Legislature, Second Session, 1998.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mrs. Bohlke filed the following amendment to LB 1219A:
AM4466

(Amendments to Final Reading copy)

1. On page 2, line 1, strike "$4,510,000" and insert "$4,520,000".

Mr. Will filed the following amendment to LB 512A:
AM4445

(Amendments to Final Reading copy)

1. On page 2, line 1, strike "$6,085,000" and insert "$3,000,000"; and in line 2 strike "$6,644,820" and insert "$3,300,000".

## SELECT FILE

**LEGISLATIVE BILL 1175.** E & R amendment, AM7236, printed separately and referred to on page 1473, was adopted.

Ms. Schimek withdrew her amendment, AM3973, found on page 1232.

Mr. Wickersham renewed his pending amendment, AM4207, found on page 1548.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 16 present

and not voting, and 8 excused and not voting.

Mr. Schrock asked unanimous consent to replace his pending amendment, AM4221, found on page 1549, with a substitute amendment. No objections. So ordered.

Mr. Schrock withdrew his amendment, AM4221, found on page 1549.

Mr. Schrock renewed his substitute pending amendment, AM4309, found on page 1587.

Mr. Schrock moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Schrock amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Suttle asked unanimous consent to replace the Thompson pending amendment, AM4003, found on page 1549, with a substitute amendment. No objections. So ordered.

Mrs. Suttle withdrew the Thompson amendment, AM4003, found on page 1549.

Mrs. Suttle offered the following substitute Thompson-Suttle amendment: AM4314

(Amendments to E & R amendments, AM7236)

1. Insert the following new section:

"Sec. 5. Section 79-209, Reissue Revised Statutes of Nebraska, is amended to read:

79-209. In all school districts in this state, any superintendent, principal, teacher, or member of the school board or board of education who knows of any violation of section 79-201 on the part of any child of school age, his or her parent, the person in actual or legal control of such child, or any other person shall within three days report such violation to the superintendent of schools in districts having an attendance officer and to the county superintendent of schools in other districts. Such superintendent shall immediately cause an investigation of the case to be made by the attendance officers. When of his or her personal knowledge, by report or complaint from any resident of the district, or by report or complaint as provided in this section, the attendance officer believes that any child is unlawfully absent from school, the attendance officer shall immediately investigate. ~~The~~ All school districts shall have a written policy on excessive absenteeism. The policy shall state the number of absences or the hourly equivalent upon the occurrence of which the school shall

render all services in its power to compel such child to attend some public, private, denominational, or parochial school, which the person having control of the child shall designate, in an attempt to remediate the child's truant behavior. The number of absences in the policy shall not exceed five days per quarter or the hourly equivalent. School districts may use excused and unexcused absences for purposes of the policy. Such services shall include, but need not be limited to:

(1) One or more meetings between a school attendance officer, school social worker or other person designated by the school administration if such school does not have a school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem, unless the officer or worker has documented the refusal of the parent or guardian to participate in such meetings;

(2) Educational counseling to determine whether curriculum changes, including, but not limited to, enrolling the child in an alternative education program that meets the specific educational and behavioral needs of the child, would help solve the truancy problem;

(3) Educational evaluation, which may include a psychological evaluation, to assist in determining the specific condition, if any, contributing to the truancy problem, supplemented by specific efforts by the school to help remedy any condition diagnosed; and

(4) Investigation of the truancy problem by the school social worker, or if such school does not have a school social worker, by another person designated by the administration, to identify conditions which may be contributing to the truancy problem. If services for the child and his or her family are determined to be needed, the school social worker or other person performing the investigation shall meet with the parent or guardian and the child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truancy problem.

If the child continues to be or becomes habitually truant, the attendance officer shall serve a written notice to the person violating section 79-201, warning him or her to comply with its provisions. If within one week after the time such notice is given such person is still violating the section, the attendance officer shall file a report with the county attorney of the county in which such person resides. All school districts shall have a written policy describing notification of habitual truancy to the county attorney. The number of absences in the policy shall not exceed twenty days cumulative per year or the hourly equivalent. School districts may use excused and unexcused absences for purposes of the policy. The county attorney may file a complaint against such person before the judge of the county court of the

county in which such person resides charging such person with violation of section 79-201. If after such notice has been sent to any person violating such section such person again violates the same section, no written notice shall be required but a complaint may be filed at once.".

2. Amend the operative date and repealer sections so that section 5 added by this amendment becomes operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

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

The Thompson-Suttle amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Bohlke renewed her pending amendment, AM4242, found on page 1585.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Bohlke 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.

Mrs. Bohlke renewed her pending amendment, AM4296, found on page 1597.

Mrs. Thompson asked unanimous consent to be excused. No objections. So ordered.

**MR. WESELY PRESIDING**

Messrs. Jensen and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Bohlke amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mrs. Bohlke withdrew her amendment, AM4295, found on page 1599.

Mrs. Bohlke renewed her pending amendment, AM4281, found on page 1605.

The Bohlke amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mrs. Bohlke renewed her pending amendment, AM4215, found on page 1700.

The Bohlke amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Willhoft offered the following amendment:
AM4377

(Amendments to E & R amendments, AM7236)

1. Insert the following new section:

"Sec. 47. (1) Temporary mitigation funds shall be distributed to local systems which have property tax and state aid resources for school fiscal year 1998-99 which are less than ninety percent of their property tax and state aid resources for school fiscal year 1997-98. The local system shall receive a lump-sum payment in an amount equal to ninety percent of the school fiscal year 1997-98 property tax and state aid resources minus the school fiscal year 1998-99 property tax and state aid resources if the following criteria are met:

(a) The local system's school fiscal year 1997-98 general fund budget of expenditures minus the special education budget of expenditures did not exceed the school fiscal year 1995-96 general fund budget of expenditures minus the special education budget of expenditures by more than two percent plus the two-year percentage growth in students for the local system; and

(b)(i) The local system has shown an intent to merge, consolidate, or unify with at least one specified high school district by June 1, 1999, through a public affirmative vote by the school board of the high school district in the local system with a majority of the members of the school board signing an affidavit acknowledging that the intent of the signing board member is to proceed with a merger, consolidation, or unification involving the district on the board of which they are serving. Affidavits shall be filed with the State Department of Education on or before August 1, 1998. The temporary mitigation funds provided in this section shall be returned if the receiving district does not merge, consolidate, or unify prior to June 30, 2000. The temporary mitigation funds need not be returned if, prior to June 30, 2000, the receiving district is unable as determined by the State Committee for the Reorganization of School Districts to merge, consolidate, or unify despite good faith efforts because all districts with which the receiving district could reasonably be expected to merge, consolidate, or unify declined such merger, consolidation, or unification;

(ii) The local system is within the sparse cost grouping or the very sparse cost grouping pursuant to section 79-1007.02;

(iii) The local system contains more than one hundred seventy-five square miles; or

(iv) The local system is subject to loss of state aid due to clerical error as defined in subsection (4) of section 79-1016.

(2) If the payments due to local systems under this section exceed the amount of funds appropriated by the Legislature, the funds shall be distributed on a pro rata basis to such local systems. Payments shall be made on or before September 15, 1998. Payments to local systems that include Class I districts shall be divided proportionally among the districts in the local system based on the weighted formula students attributed to each district in the local system for the certification of state aid to be paid in school fiscal year 1998-99. The department shall identify local systems which qualify for payments under this section and shall distribute the funds to the districts in qualifying local systems.

(3) For purposes of this section:

(a) Local system has the definition found in section 79-1003;

(b) Property tax and state aid resources for school fiscal year 1997-98 means the sum of state aid distributed pursuant to the Tax Equity and Educational Opportunities Support Act for school fiscal year 1997-98 plus the product of the general fund common levy for school fiscal year 1997-98 multiplied by the local system's assessed valuation for 1997;

(c) Property tax and state aid resources for school fiscal year 1998-99 means the sum of state aid certified pursuant to the Tax Equity and Educational Opportunities Support Act for school fiscal year 1998-99 plus the product of a levy of one dollar and ten cents per one hundred dollars multiplied by the local system's adjusted valuation for 1998 as certified by the Property Tax Administrator on or before July 1, 1998; and

(d) Two-year percentage growth in students means the sum of the growth in students for school fiscal year 1996-97 and school fiscal year 1997-98 to be calculated by applying the methodology in section 79-1025 as it existed on January 1, 1998, except that growth in students is calculated for local systems rather than districts and may be negative for each school fiscal year for the purpose of adding the growth in students together from each school fiscal year but the two-year percentage growth rate shall be zero if the sum is negative.".

2. Amend the operative date section so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

The Willhoft amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**PRESIDENT ROBAK PRESIDING**

Mr. Wickersham renewed his pending amendment, AM4035, found on page 1548.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

## AMENDMENTS - Print in Journal

Mrs. Kiel filed the following amendment to LB 1175:
AM4261

(Amendments to E & R amendments, AM7236)

1. Insert the following new section:

"Sec. 8. Section 79-295, Reissue Revised Statutes of Nebraska, is amended to read:

79-295. Corporal punishment shall be prohibited in public schools. Physical restraint shall not be prohibited in public schools.

For purposes of this section:

(1) Corporal punishment means knowingly and purposely inflicting physical pain on a student as a disciplinary measure. Corporal punishment does not include physical pain or discomfort caused by participation in practice for, or competition in, an interscholastic sport or participation in physical education or an extracurricular activity; and

(2) Physical restraint means the placing of hands on a student in a manner that is reasonable and necessary to (a) quell a disturbance, (b) provide self-protection, (c) protect the student or others from physical injury, (d) obtain possession of a weapon or other dangerous object on the person of, or within control of, the student, (e) maintain the orderly conduct of a student, including, but not limited to, relocating a student in a waiting line, classroom, lunchroom, principal's office, or other on-campus facility, or (f) protect property from serious harm.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date and repealer sections so that the section added by this amendment becomes operative three calendar months after adjournment of this legislative session.

Ms. Schimek filed the following amendment to LB 1129:
AM4408

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new sections:

"Sec. 8. The Director of Administrative Services may (1) initiate interfund borrowing among the Vacant Building and Excess Land Fund and the various revolving funds within the Department of Administrative Services and (2) through June 30, 1999, initiate

transfers from the Vacant Building and Excess Land Fund to the State Building Revolving Fund and the Building Renewal Allocation Fund. Fund transfers initiated under this section shall be subject to prior approval by the Committee on Building Maintenance pursuant to the duties of the committee under section 81-186 to monitor activities relating to state buildings.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

Mrs. Crosby filed the following amendment to LB 1129:
AM4454

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new sections:

"Sec. 8. The Governor's Residence Advisory Commission is created. The commission shall conduct an inspection of the Governor's residence in June of each year. A report on the inspection shall be submitted to the Governor within thirty days after the day of the inspection. The report shall include recommendations for major maintenance or repair projects, if needed. Implementation and priority of an approved major maintenance or repair project shall be determined by the Governor in cooperation with the Director of Administrative Services. Additionally, no changes, additions, deletions, or other alterations to the residence, including its exterior, interior, decorative objects, contents, or grounds shall be made without the prior approval of the commission, except for the Governor's private living quarters located on the second floor of the residence.

Sec. 9. The Governor's Residence Advisory Commission consists of the following members: (1) The Governor's spouse; (2) the Director of Administrative Services or his or her designee; (3) the Administrator of the Task Force For Building Renewal; (4) six at-large members, two from each congressional district, with no more than three of the six members being from the same political party; (5) the Director of the Nebraska State Historical Society; and (6) a current professional member of the American Society of Interior Designers. The Governor's spouse is designated the Chairperson of the Governor's Residence Advisory Commission. If the Governor is unmarried or the Governor's spouse is unable to fulfill his or her duties on the commission, the Governor shall appoint an at-large member to fill that seat on the commission. The at-large member shall have the same duties as the Governor's spouse would have had. The Director of Administrative Services or his or her designee is designated the vice-chairperson of the commission. The Administrator of the Task Force For Building Renewal is designated the secretary of the commission and is responsible for the submission of the annual report and any other reports or correspondence from the commission.

Sec. 10. The members of the Governor's Residence

Advisory Commission shall serve without compensation. The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 11. The Governor's spouse shall remain on the Governor's Residence Advisory Commission as Chairperson during the time his or her spouse is Governor, but in the case of an at-large member appointed in place of the Governor's spouse, the at-large member shall serve at the pleasure of the Governor. The agency directors and task force administrator on the commission shall serve as long as such persons hold those positions. The remaining members of the commission shall serve four-year terms, subject to removal by the Governor for cause. Vacancies on the commission caused by the death, removal, or resignation of a member shall be filled by the Governor for the remainder of the unexpired term.

Sec. 12. The Governor's Residence Advisory Commission shall meet at the direction of the chairperson of the commission. At least one meeting shall be held after the annual June inspection. A simple majority of the commission shall constitute a quorum for the transaction of business.

Sec. 13. There is hereby appropriated (1) $1,500 from the General Fund for FY1998-99 and (2) $1,500 from the General Fund for FY1999-00 to the Department of Administrative Services, for Program 573, to aid in carrying out the provisions of sections 8 to 12 of this act.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 15. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

Mr. Jensen filed the following amendment to LB 1129:
AM4461

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new sections:

"Section 1. For purposes of sections 1 to 5 of this act:

(1) Energy conservation measure means a training, service, or operations program or facility alteration designed to reduce energy consumption. Energy conservation measure includes:

(a) Repair or renovation of heating, ventilation, and air conditioning systems;

(b) Installation or repair of automated or computerized energy control systems;

(c) Replacement or modification of lighting fixtures;

(d) Insulation of a building structure or systems within that structure;

(e) Installation of energy recovery systems;

(f) Installation of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for

use primarily within a building or complex of buildings;

(g) Replacement, weatherstripping, caulking, or other insulation of windows or doors; or

(h) Any other measure designed to reduce energy consumption;

(2) Energy financing contract means an agreement between an energy service company and a governmental unit for the implementation of one or more energy conservation measures in an existing facility in exchange for a portion of the energy cost savings produced. Energy financing contract includes, but is not limited to, a performance contract, shared-savings contract, guaranteed contract, and lease-purchase contract;

(3) Energy service company means a person or business experienced in the implementation and installation of energy conservation measures;

(4) Governmental unit means a school district, village, city, county, or department or agency of the State of Nebraska.

Sec. 2. Notwithstanding the procedures for public lettings in sections 73-101 to 73-106 or any other statute of the State of Nebraska relating to the letting of bids by a governmental unit, a governmental unit may enter into an energy financing contract with an energy service company pursuant to sections 1 to 5 of this act.

Sec. 3. (1) Prior to entering into an energy financing contract, a governmental unit shall obtain a written opinion from a professional engineer licensed in the State of Nebraska whose interests are independent from the financial savings outcome of the contract. The opinion shall contain a review of recommendations proposed by an energy service company pertaining to energy conservation measures designed to reduce energy consumption to the governmental unit.

(2) At least fourteen days prior to entering into an energy financing contract, a governmental unit shall furnish public notice of its intention to enter into such contract, the general nature of the proposed work being considered under the contract, and the name and telephone number of a person to be contacted by any energy service company interested in submitting a proposal to contract for such work. The governmental unit shall also directly solicit requests for qualifications from at least three energy service companies relating to the proposed contract.

(3) Upon receiving responses to its request for qualifications pursuant to subsection (2) of this section, the governmental unit may select the most qualified energy service company based on the company's experience, technical expertise, and financial arrangements, the overall benefits to the governmental unit, and other factors determined by the governmental unit to be relevant and appropriate. The governmental unit may thereafter negotiate and enter into an energy financing contract pursuant to section 4 of this act with the company selected based on the

criteria established by the governmental unit.

Sec. 4. (1) Any energy financing contract entered into by a governmental unit shall:

(a) Detail the responsibilities of a Nebraska-licensed professional engineer in the design, installation, and commissioning of the energy conservation measures selected by the governmental unit. Any design shall conform to all statutes of the State of Nebraska pertaining to engineering design and public health, safety, and welfare;

(b) Set forth the calculated energy cost savings during the contract period attributable to the energy conservation measures to be installed by the energy service company. Operational savings may be included in the total savings amount, not guaranteed, but approved by the governmental unit;

(c) Estimate the useful life of each of the selected energy conservation measures;

(d) Provide that, except for obligations on termination of the contract prior to its expiration, payments on the contract are to be made over time, within a period not to exceed fifteen years after the date of the installation of the energy conservation measures provided for under the contract;

(e) Provide that the calculated savings for each year of the contract period will meet or exceed all payments to be made during each year of the contract;

(f) Disclose the effective interest rate being charged by the energy service company; and

(g) In the case of a guaranteed savings contract, set forth the method by which savings will be calculated and a method of resolving any dispute in the amount of the savings. The energy service company shall have total responsibility for the savings guarantee for each guaranteed savings contract.

(2) An energy service company entering into an energy financing contract shall provide a performance bond to the governmental unit in an amount equal to one hundred percent of the total cost of the contract to assure the company's faithful performance. The energy service company shall also supply a guarantee bond equal to one hundred percent of the guaranteed energy savings for the entire term of the contract. For purposes of this section, total cost means all costs associated with the design, installation, modification, commissioning, maintenance, and financing of all energy conservation measures contemplated under the contract.

Sec. 5. An energy financing contract may extend beyond the fiscal year in which it becomes effective and shall allow the governmental unit to cancel the contract for the nonappropriation of funds. An obligation created by an energy financing contract entered into or indebtedness incurred pursuant to this section shall not constitute or give rise to an indebtedness within the meaning of any constitutional, statutory, or board debt limitation.

Sec. 6. Section 79-10,105, Revised Statutes Supplement, 1997, is amended to read:

79-10,105. The school board or board of education of any public school district may enter into a lease or lease-purchase agreement for the exclusive use of its individual jurisdiction for such buildings or equipment as the board determines necessary. Such lease or lease-purchase agreements may not exceed a period of seven years, except that lease-purchase agreements entered into as part of an energy financing contract pursuant to section 4 of this act may not exceed a period of fifteen years. All payments pursuant to such leases shall be made from current building funds or general funds. No school district shall directly or indirectly issue bonds to fund any such lease-purchase plan for a capital construction project exceeding twenty-five thousand dollars in costs unless it first obtains a favorable vote of the legal voters pursuant to Chapter 10, article 7. This section does not prevent the school board or board of education of any public school district from refinancing a lease or lease-purchase agreement without a vote of the legal voters for the purpose of lowering finance costs regardless of whether such agreement was entered into prior to July 9, 1988.".

2. On page 11, line 8, after "sections" insert "79-10,105," and after "81-1108.43" insert a comma.

3. Renumber the remaining sections accordingly.

Mr. Landis filed the following amendment to LB 1321:
AM4460

(Amendments to E & R amendments, AM7256)

1. Insert the following new sections:

"Sec. 67. Section 8-355, Reissue Revised Statutes of Nebraska, is amended to read:

8-355. Notwithstanding any of the provisions of Chapter 8, article 3, or any other Nebraska statute, except as provided in section 8-345.02, any association incorporated under the laws of the State of Nebraska and organized under the provisions of such article shall have all the rights, powers, privileges, benefits, and immunities which may be exercised as of ~~February 11, 1997~~ the operative date of this section, by a federal savings and loan association doing business in Nebraska. Such rights, powers, privileges, benefits, and immunities shall not relieve such association from payment of state taxes assessed under any applicable laws of this state.

Sec. 75. Section 21-17,115, Reissue Revised Statutes of Nebraska, is amended to read:

21-17,115. Notwithstanding any of the other provisions of the Credit Union Act or any other Nebraska statute, any credit union incorporated under the laws of the State of Nebraska and organized under the provisions of the act shall have all the rights, powers, privileges, benefits, and immunities which may be

exercised as of ~~March 27, 1997~~ the operative date of this section, by a federal credit union doing business in Nebraska on the condition that such rights, powers, privileges, benefits, and immunities shall not relieve such credit union from payment of state taxes assessed under any applicable laws of this state.

Sec. 84. Section 52-1003, Reissue Revised Statutes of Nebraska, is amended to read:

52-1003. (1) If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in subsection (2) of this section is presented to the ~~register of deeds~~ Secretary of State, he or she shall endorse thereon his or her identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the serial number of the district director or title and address of the official or entity certifying the lien, and the total amount appearing on the notice of lien.

(2) If a refiled notice of federal lien referred to in subsection (1) of this section is presented for filing to the ~~register of deeds~~ Secretary of State as specified in section 52-1001, he or she shall file the refiled notice or the certificate ~~with~~ and cross reference the original notice of lien on the state's central index system and shall enter the refiled notice or the certificate with the date of filing in an alphabetical federal lien index. ~~on the line where the original notice of lien is entered.~~

(3)(a) Upon request of any person, the register of deeds shall issue his or her certificate showing whether there is on file, on the date and hour stated therein, any notice of lien or certificate or notice affecting any lien, filed under the Uniform Federal Tax Lien Registration Act on or after January 1, 1970, or under the Uniform Federal Lien Registration Act on or after July 9, 1988, and before July 1, 1999, naming a particular person and, if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate shall be one dollar and fifty cents. Upon request the register of deeds shall furnish a copy of any notice of federal lien or notice or certificate affecting a federal lien for a fee of one dollar per page.

(b) Upon the request of any person, the Secretary of State shall provide information as provided in section 9-411, Uniform Commercial Code, and charge such fees provided in such section, on any notice of lien or certificate or notice affecting any lien filed under the Uniform Federal Lien Registration Act on or after July 1, 1999.

(4) The ~~register of deeds~~ Secretary of State and his or her employees or agents shall be exempt from all personal liability as a result of any error or omission in providing information as required by this section except in cases of willful misconduct or

gross negligence.

Sec. 86. Section 52-1008, Reissue Revised Statutes of Nebraska, is amended to read:

52-1008. When a federal lien registered pursuant to the Uniform Federal Lien Registration Act is satisfied, the holder of the lien may on written demand by the debtor send the debtor a termination statement to the effect that he or she no longer claims a security interest under the lien, which shall be identified by file number.

On presentation to the ~~register of deeds~~ Secretary of State of such a termination statement, he or she shall note it in the index. If the ~~register of deeds~~ Secretary of State has received the termination statement in duplicate, he or she shall return one copy of the termination statement to the lienholder stamped to show the time of receipt.".

2. On page 127, line 4, after the period insert "The terminals shall be readily and reasonably available and accessible to members of the public for such inquiries and searches."; strike beginning with "76" in line 11 through "111" in line 12 and insert "78 to 96, 98, 99, 102, 103, 108 to 112, and 115"; in line 13 strike beginning with "69" through "112" and insert "66, 68 to 70, 72 to 74, 76, 77, 97, 100, 101, 113, and 116"; and in line 18 strike "52-1004," and insert "52-1003, 52-1004, 52-1008,".

3. On page 128, line 5, strike "section 8-911" and insert "sections 8-355, 8-911, and 21-17,115"; in line 16 after "8-230," insert "8-355," and after "8-2102," insert "21-17,155,"; in line 17 strike "52-1004," and insert "52-1003, 52-1004, 52-1008,"; and in line 25 after the semicolon insert "to revise the powers of savings and loan associations and credit unions;".

Messrs. Hilgert and Lynch filed the following amendment to LR 478:
FA739

Strike the last period and add the additional language.

"Contingent upon the withdrawal of military Forces of the United Kingdom from Northern Ireland."

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 218. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 1104. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 1266. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 29 fourth grade students and teacher from Morton Elementary School, Hastings; 32 first grade students and teacher from Hemingford; 29 fifth and sixth grade students, teacher, and sponsors from St. John Neumann School, Clarkson; Steve Snook, Mel Gosda, Buzz Rumbaugh, Charles Stracuz, Steve Lamken, David Stolz, Mayor Ken Gnadt, Don Mehring, Marilyn Lueth, Doug Samuelson, Brenda Urbanek, and Dr. Bill Giddings from Grand Island; 12 students, teacher, and sponsors from Hampton Lutheran School; 20 fifth grade students and teacher from Doniphan; 28 fourth grade students and teachers from Shelton; and 18 fifth and sixth grade students and sponsors from Scared Heart School, Lawrence.

The Doctor of the Day was Joel Travis from Albion.

## ADJOURNMENT

At 6:57 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, April 7, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTY-SEVENTH DAY – APRIL 7, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 7, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

## PRAYER

The prayer was offered by Pastor Lee Spitzer, First Baptist Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Janssen and Vrtiska who were excused; and Messrs. Abboud, Coordsen, Landis, Matzke, Robinson, Schmitt, Wickersham, Will, Mmes. Bohlke, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 477.** Mr. D. Pederson requested to pass over.

**LEGISLATIVE RESOLUTION 479.** Read. Considered.

LR 479 was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

## MOTION - Approve Appointments

Mr. Brashear moved the adoption of the report of the Judiciary Committee for the following appointments found on page 1707: Catherine Walters and Jim Riskowski - Nebraska Crime Victims Reparation Committee.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Brashear | Dierks | Kiel | Pederson, D. | Thompson |
| Bromm | Elmer | Landis | Peterson, C. | Tyson |
| Bruning | Engel | Lynch | Schellpeper | Wehrbein |
| Chambers | Hartnett | Maurstad | Schimek | Wesely |
| Crosby | Hilgert | Pedersen, Dw. | Stuhr | Willhoft |
| Cudaback | Hillman | | | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Beutler | Jensen | Kristensen | Raikes | Suttle |
| Brown | Jones | Preister | Schrock | Witek |
| Hudkins | | | | |

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Robak | Schmitt | Wickersham |
| Bohlke | Matzke | Robinson | Vrtiska | Will |
| Coordsen | | | | |

The appointments were confirmed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1053.** With Emergency.

A BILL FOR AN ACT relating to the Rural Development Commission; to amend sections 81-1201.07, 81-1201.10, and 81-1282 to 81-1287, Reissue Revised Statutes of Nebraska; to change provisions relating to the commission; to eliminate duties for the Department of Economic Development; to create the Nebraska Development Network Program; to state intent; 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, 33:

| | | | | |
|---|---|---|---|---|
| Bohlke | Bruning | Dierks | Hartnett | Hudkins |
| Brashear | Chambers | Elmer | Hilgert | Kiel |
| Bromm | Crosby | Engel | Hillman | Kristensen |

| | | | | |
|---|---|---|---|---|
| Landis | Pederson, D. | Robak | Schrock | Thompson |
| Lynch | Peterson, C. | Schellpeper | Stuhr | Wesely |
| Matzke | Preister | Schimek | Suttle | Willhoft |
| Pedersen, Dw. | Raikes | Schmitt | | |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | Jensen | Maurstad | Wehrbein | Witek |
| Brown | Jones | Tyson | | |

Present and not voting, 1:

Cudaback

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Vrtiska | Wickersham | Will |
| Coordsen | 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 1053A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 389, section 217; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1053, Ninety-fifth Legislature, Second Session, 1998; 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, 32:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kristensen | Preister | Schrock |
| Bohlke | Engel | Landis | Raikes | Stuhr |
| Bromm | Hartnett | Matzke | Robak | Suttle |
| Bruning | Hilgert | Pedersen, Dw. | Schellpeper | Thompson |
| Chambers | Hillman | Pederson, D. | Schimek | Wesely |
| Crosby | Hudkins | Peterson, C. | Schmitt | Willhoft |
| Dierks | Kiel | | | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Brown | Jones | Maurstad | Tyson | Witek |
| Jensen | | | | |

Present and not voting, 4:

| | | | | |
|---|---|---|---|---|
| Brashear | Cudaback | Lynch | Wehrbein | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Vrtiska | Wickersham | Will |
| Coordsen | Robinson | | | |

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Bromm | Engel | Kristensen | Peterson, C. | Schmitt |
| Bruning | Hartnett | Landis | Preister | Schrock |
| Chambers | Hilgert | Lynch | Raikes | Stuhr |
| Crosby | Hillman | Matzke | Robak | Suttle |
| Dierks | Hudkins | Pedersen, Dw. | Schellpeper | Thompson |
| Elmer | Kiel | Pederson, D. | Schimek | Wesely |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Jensen | Maurstad | Tyson | Witek |
| Brown | Jones | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Bohlke | Brashear | Cudaback | Wehrbein | Willhoft |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Vrtiska | Wickersham | Will |
| Coordsen | Robinson | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

**MOTION - Reconsider Action on LB 1053A**

Mr. Wickersham moved to reconsider final passage for LB 1053A with the emergency clause attached.

The Wickersham motion to reconsider prevailed with 34 ayes, 2 nays, 7 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.

## BILL ON FINAL READING

The following bill was put upon final passage:

**LEGISLATIVE BILL 1053A.** 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:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kristensen | Preister | Stuhr |
| Bohlke | Engel | Landis | Raikes | Suttle |
| Bromm | Hartnett | Lynch | Robak | Thompson |
| Bruning | Hilgert | Matzke | Schellpeper | Wesely |
| Chambers | Hillman | Pedersen, Dw. | Schimek | Wickersham |
| Crosby | Hudkins | Pederson, D. | Schmitt | Willhoft |
| Dierks | Kiel | Peterson, C. | Schrock | |

Voting in the negative, 5:

| | | | | |
|---|---|---|---|---|
| Brown | Jensen | Jones | Tyson | Witek |

Present and not voting, 3:

| | | |
|---|---|---|
| Brashear | Cudaback | Wehrbein |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Robinson | Vrtiska | Will |
| Coordsen | Maurstad | | | |

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

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

## WITHDRAW - Amendment to LB 922

Mr. Hilgert withdrew his amendment, AM4275, found on page 1577, to LB 922.

## MOTIONS - Return LB 922 to Select File

Mr. Hilgert moved to return LB 922 to Select File for his specific

amendment, AM4331, found on page 1737.

Messrs. Dierks and Landis 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 prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hilgert requested a roll call vote on his motion to return.

Voting in the affirmative, 20:

| | | | | |
|---|---|---|---|---|
| Abboud | Engel | Kiel | Pederson, D. | Schimek |
| Bruning | Hilgert | Lynch | Preister | Suttle |
| Cudaback | Jensen | Matzke | Robak | Thompson |
| Dierks | Jones | Pedersen, Dw. | Robinson | Tyson |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Beutler | Hillman | Landis | Schellpeper | Wickersham |
| Bohlke | Hudkins | Peterson, C. | Schrock | Willhoft |
| Bromm | Kristensen | Raikes | Wehrbein | Witek |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Brashear | Chambers | Elmer | Schmitt | Wesely |
| Brown | Crosby | Hartnett | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Coordsen | Maurstad | Stuhr | Vrtiska | Will |
| Janssen | | | | |

The Hilgert motion to return failed with 20 ayes, 15 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Beutler moved to return LB 922 to Select File for his specific amendment, AM4409, found on page 1745.

The Beutler motion to return prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 922.** The Beutler specific amendment, AM4409, found on page 1745, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

## MOTION - Suspend Rules

Mr. Kristensen renewed his pending motion, found on page 1736, to suspend Rule 6, Section 11 so as to allow consideration of veto overrides on LB 1108 and LB 1110.

The Kristensen motion to suspend the rules prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 1053 and 1053A.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

**LEGISLATIVE BILL 1293.** Placed on Select File as amended.
(E & R amendment, AM7260, 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 1293A.** Placed on Select File.

**LEGISLATIVE BILL 1266.** Placed on Select File as amended.
E & R amendment to LB 1266:
AM7259
1. On page 1; lines 3 and 4, strike "developmental disabilities" and insert "mental retardation".

(Signed) Jon C. Bruning, Chairperson

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 1053e.

(Signed) William R. Wickersham

## AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LB 59:
FA740
Strike enacting clause.

Mr. Chambers filed the following amendment to LB 1266:
AM3986
1. Insert the following new sections:
"Section 1. Section 28-105, Revised Statutes Supplement, 1997, is amended to read:
28-105. (1) For purposes of the Nebraska Criminal Code and any statute passed by the Legislature after the date of passage of the code, felonies are divided into eight classes which are

distinguished from one another by the following penalties which are authorized upon conviction:

Class I felony ..... Death
Class IA felony .... Life imprisonment
Class IB felony .... Maximum-life imprisonment
Minimum-twenty years imprisonment
Class IC felony .... Maximum-fifty years imprisonment
Mandatory minimum-five years imprisonment
Class ID felony .... Maximum-fifty years imprisonment
Mandatory minimum-three years imprisonment
Class II felony .... Maximum-fifty years imprisonment
Minimum-one year imprisonment
Class III felony ... Maximum-twenty years imprisonment, or
twenty-five thousand dollars fine, or both
Minimum-one year imprisonment
Class IIIA felony .. Maximum-five years imprisonment, or
ten thousand dollars fine, or both
~~Minimum-six months imprisonment~~
Minimum-none
Class IV felony .... Maximum-five years imprisonment, or ten
thousand dollars fine, or both
Minimum-none
~~Minimum-six months imprisonment~~

(2) All sentences of imprisonment for Class IA, IB, IC, ID, II, and III felonies and sentences of one year or more for Class IIIA and IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the department certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the department. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222 to increase sentences for habitual criminals.

(4) A person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation.

Sec. 3. Section 28-201, Revised Statutes Supplement, 1996, is amended to read:

28-201. (1) A person shall be guilty of an attempt to commit a crime if he or she:

(a) Intentionally engages in conduct which would constitute the crime if the attendant circumstances were as he or she believes them to be; or

(b) Intentionally engages in conduct which, under the

circumstances as he or she believes them to be, constitutes a substantial step in a course of conduct intended to culminate in his or her commission of the crime.

(2) When causing a particular result is an element of the crime, a person shall be guilty of an attempt to commit the crime if, acting with the state of mind required to establish liability with respect to the attendant circumstances specified in the definition of the crime, he or she intentionally engages in conduct which is a substantial step in a course of conduct intended or known to cause such a result.

(3) Conduct shall not be considered a substantial step under this section unless it is strongly corroborative of the defendant's criminal intent.

(4) Criminal attempt is:

(a) A Class II felony when the crime attempted is a Class I, Class IA, or Class IB felony;

(b) A Class III felony when the crime attempted is a Class II felony;

(c) A Class IIIA felony when the crime attempted is ~~manslaughter under section 28-305, motor vehicle homicide under subdivision (3)(c) of section 28-306,~~ assault in the first degree under section 28-308, sexual assault in the second degree under section 28-320, ~~possession or distribution of controlled substances under subdivision (2)(b) of section 28-416~~ manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver, or dispense controlled substances listed in Schedule I, II, or III of section 28-405 under section 28-416 except for an exceptionally hazardous drug, incest under section 28-703, child abuse under subsection (5) of section 28-707, assault on an officer in the second degree under section 28-930, or assault by a confined person with a deadly or dangerous weapon under section 28-932;

(d) A Class IV felony when the crime attempted is a Class III felony not listed in subdivision (4)(c) of this section;

(e) A Class I misdemeanor when the crime attempted is a Class IIIA or Class IV felony;

(f) A Class II misdemeanor when the crime attempted is a Class I misdemeanor; and

(g) A Class III misdemeanor when the crime attempted is a Class II misdemeanor.".

2. On page 2, line 28, strike "is" and insert "and sections 28-105 and 28-201, Revised Statutes Supplement, 1997, are".

3. Renumber the remaining sections accordingly.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1998, at 9:50 a.m., were the following bills: LBs 1053 and 1053A.

(Signed) Diana Bridges
Clerk of the Legislature's Office

## SELECT FILE

**LEGISLATIVE BILL 1176.** E & R amendment, AM7250, found on page 1695, was adopted.

Mr. Bruning withdrew his amendment, AM4462, found on page 1757.

Mr. Bruning offered the following amendment:
AM4480

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Quality Work Force Academic Loan Program Act.

Sec. 2. For purposes of the Quality Work Force Academic Loan Program Act:

(1) Commission means the Coordinating Commission for Postsecondary Education;

(2) Department means the Department of Economic Development;

(3) Full-time employment means the amount of time as defined by the loan recipient's employer or by industry standards;

(4) Full-time student means, in the aggregate, the equivalent of a student who in a twelve-month period is enrolled in (a) thirty semester credit hours or forty-five quarter credit hours of classroom, laboratory, clinical, practicum, or independent study course work or cooperative work experience or (b) nine hundred contact hours of classroom or laboratory course work for which credit hours are not offered or awarded. Avocational and recreational community service programs or courses shall not be included in determining full-time equivalent students or student enrollment;

(5) Participating business means a business that contributes to the Quality Work Force Academic Loan Program Revolving Fund;

(6) Participating institution means a regionally or nationally accredited public, nonprofit, or private postsecondary educational institution in this state which complies with the act;

(7) Part-time student means, in the aggregate, the equivalent of a student who in a twelve-month period is enrolled in (a) fifteen semester credit hours or twenty-three quarter credit hours of classroom, laboratory, clinical, practicum, or independent study course work or cooperative work experience or (b) five hundred contact hours of classroom or laboratory course work for which credit hours are not offered or awarded. Avocational and recreational community service programs or courses shall not be

included in determining full-time students; and

(8) Resident student means an individual who is domiciled in Nebraska as provided by section 85-502.

Sec. 3. The purposes of the Quality Work Force Academic Loan Program Act are to:

(1) Retain resident students and graduates in the Nebraska work force who have attended a Nebraska postsecondary educational institution and demonstrated academic achievement in either applied technology or academic programs or courses;

(2) Encourage students to seek education and training in fields which are essential to the economic development of the state;

(3) Promote development, attraction, and retention of workers in Nebraska by establishing the Quality Business Consortium which shall consist of businesses in this state that support this state's postsecondary students by providing internships;

(4) Establish a loan contract that requires a loan recipient to obtain full-time employment in this state after graduation and complete a designated number of hours at an internship with a business participating as a member of the Quality Business Consortium;

(5) Provide for the administration of the program and distribution of appropriated state funds by the commission, with the individual loans determined and directly disbursed by participating institutions according to rules and regulations of the commission; and

(6) Provide funds for the program in such amounts as may be appropriated by the Legislature.

Sec. 4. (1) The commission shall establish and maintain an information data base which (a) details current efforts by postsecondary educational institutions in this state to recruit students and to place graduates of such institutions with Nebraska businesses and (b) provides the number of graduates participating in the Quality Work Force Academic Loan Program from participating institutions.

(2) The data base information regarding loan recipients shall include (a) their majors and degrees, (b) their employment decisions regarding location of residence, (c) the industry and business name in which employed, (d) the title of their position, and (e) their total compensation and benefits.

(3) The commission shall submit to the Executive Board of the Legislative Council an annual report containing pertinent information obtained pursuant to this section.

Sec. 5. (1) The department, the commission, and representatives of participating institutions shall develop a plan to increase the number of postsecondary students and graduates who remain in the work force of this state. The plan shall include a process to annually identify the state's high-priority work force needs. High- priority work force needs shall be areas of

employment in which there is a lack of qualified applicants and industry areas having the highest employment growth rate. High-priority work force needs shall be identified through information compiled by the Nebraska Career Information System, the United States Department of Labor, and the Bureau of Business Research of the University of Nebraska-Lincoln. The recommended high-priority work force needs shall be reviewed by the Executive Board of the Legislative Council.

(2) The department shall establish the Quality Business Consortium which shall consist of businesses in this state that provide an internship and pay an annual fee. The fee is determined by a formula developed by the commission and the department based on the number of internships being offered by the participating business and the number of people employed by such business. The business fees shall be placed in the Quality Work Force Academic Loan Program Revolving Fund to be used for the funding of student loans. Participating businesses shall offer (a) paid internships negotiated between the student and the business, (b) for-college-credit internships, or (c) both. The participating businesses shall report to the commission when the student internship has been completed. The report shall include (a) whether the former intern was offered permanent employment when the student internship or graduation requirements were completed, (b) reasons given by the business for withholding an offer if it was not made, (c) reasons given by the student for declining the offer if it was not accepted, and (d) pertinent information as determined by the commission to help evaluate the program. The department shall, in cooperation with the commission, recruit businesses to participate in the Quality Business Consortium that will provide internships in fields identified as high-priority work force needs.

(3) The department shall, in cooperation with the commission, develop a program to pair loan recipients under the Quality Work Force Academic Loan Program Act with appropriate internships at participating businesses. Whenever feasible, such internships shall be administered through existing internship programs.

(4) The department shall adopt and promulgate rules and regulations to implement this section.

Sec. 6. (1) The Quality Work Force Academic Loan Program is created. The commission shall administer the program and shall adopt and promulgate rules and regulations to implement the Quality Work Force Academic Loan Program Act. The commission shall annually submit a report to the Executive Board of the Legislative Council regarding the rules and regulations governing the program and its implementation.

(2) Loans shall be awarded only to part-time and full-time resident students who are enrolled in a degree, diploma, or certificate program at a participating institution. Loans shall not be awarded to students enrolled in customized courses and

programs for which industry is providing over fifty percent of the financial support, either directly or indirectly, and for which the students are not being charged tuition or mandatory fees by the participating institution.

(3) Loans shall be funded from the Quality Work Force Academic Loan Program Revolving Fund and shall be awarded to students through participating institutions in conjunction with the commission in consideration of each student's academic achievements, career goals, and financial need in accordance with rules and regulations of the commission. As a secondary criterion, when qualified loan applicants exceed the funds available, a participating institution shall give preference to students whose course or program work is identified as a high-priority work force need pursuant to section 5 of this act.

(4) Loan recipients, at or before graduation, with exceptions identified by the commission, must also complete an internship with a participating business. The commission shall define internship requirements based on the requirements of participating institutions.

(5) For full-time students enrolled in a degree, diploma, or certificate program, loans shall be awarded on an annual basis in an amount not less than one quarter of the student's tuition and mandatory fees combined. Loans shall not be awarded to individual students for a cumulative period exceeding five consecutive years. The commission shall develop appropriate policies for part-time students which are consistent with policies developed for full-time students.

(6) Loans shall only be awarded through a participating institution to a qualified student. Participating institutions shall comply with the act and the rules and regulations of the commission. The commission may create an application and audit process for participating institutions.

(7) The amount of funding available shall be divided among all participating institutions annually for loans in compliance with the Quality Work Force Academic Loan Program based on a distribution formula as determined by the commission in accordance with its rules and regulations.

Sec. 7. The Quality Work Force Academic Loan Program Revolving Fund is created. The fund shall consist of appropriations by the Legislature, loan repayments, penalties, interest payments, contributions and fees from participating businesses, and any other funds received in the course of administering the program. The fund shall be administered by the commission. When appropriated by the Legislature, any balance in the fund may be disbursed to participating institutions for loans under the Quality Work Force Academic Loan Program or for the costs incurred in administering the program. 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. 8. (1) To be eligible for a loan under the Quality Work Force Academic Loan Program, a full-time student shall sign a contract with the commission at the time the loan is awarded. The contract shall require that if (a) the loan recipient is not employed full time in Nebraska within six months after graduation for a time period equal to the number of years such loans were received, (b) the loan recipient has not completed the internship requirement with a participating business by the date of his or her graduation, (c) the loan recipient is not enrolled as a full-time student in a graduate program within six months after obtaining an undergraduate degree for which a loan from the program was obtained, or (d) the loan recipient does not complete the requirements for graduation within five consecutive years, the amount awarded must be repaid with interest at the rate fixed pursuant to section 45-103 as of the date the loan recipient signed the contract and an appropriate penalty as determined by the commission may be assessed. The commission may by rules and regulations provide for exceptions to the conditions based upon mitigating circumstances. For part-time students, the commission shall develop appropriate policies which are consistent with the policies established for full-time students. A student who is awarded a loan must agree in writing to use the loan for tuition and mandatory fees only.

(2) If the student (a) successfully completes the program of study, (b) completes a qualifying internship program, (c) becomes timely employed full time within the state, and (d) otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the applicant is required to remain employed in this state under the contract. After completion of the required period of full-time employment in Nebraska, the loan shall be forgiven.

(3) The commission has the administrative responsibility to track loan recipients and to develop repayment tracking and collection mechanisms. The commission may contract for services. When a loan has been forgiven, the amount becomes taxable income and the commission shall provide notification of such to the loan recipient, the Department of Revenue, and the United States Internal Revenue Service.

Sec. 9. The commission shall require an annual report on the Quality Work Force Academic Loan Program from each participating institution. On or before December 15 of each year, the commission shall submit a report to the Governor and the Clerk of the Legislature providing, at a minimum, information on an institution-by-institution basis, areas identified as high-priority work force needs, and the full-time or part-time status of loan recipients. The report shall include a financial statement and a description of the activity of the Quality Work Force Academic Loan Program Revolving Fund.".

Messrs. Lynch, Schellpeper, Mmes. Robak, Witek, and C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to bracket LB 1176 until April 14, 1998.

Messrs. Wehrbein, D. Pederson, Mmes. Brown, and Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

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

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Bromm | Hartnett | Kristensen | Schmitt | Tyson |
| Brown | Hilgert | Landis | Schrock | Wehrbein |
| Dierks | Hudkins | Robak | Stuhr | Wickersham |
| Elmer | Jones | Schellpeper | | |

Voting in the negative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Pedersen, Dw. | Robinson | Wesely |
| Bohlke | Engel | Pederson, D. | Schimek | Willhoft |
| Brashear | Hillman | Preister | Thompson | Witek |
| Bruning | Jensen | Raikes | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Kiel | Matzke | Maurstad | Suttle |
| Coordsen | | | | |

Absent and not voting, 1:

Beutler

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Crosby | Lynch | Peterson, C. | Vrtiska | Will |
| Janssen | | | | |

The Chambers motion to bracket failed with 18 ayes, 18 nays, 6 present and

not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

Mr. Chambers moved to reconsider the vote on his motion to bracket LB 1176.

Messrs. Elmer, Dierks, and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## SELECT COMMITTEE REPORT
## Enrollment and Review

**LEGISLATIVE BILL 218.** Placed on Select File as amended.
(E & R amendment, AM7261, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jon C. Bruning, Chairperson

## VISITORS

Visitors to the Chamber were 22 fourth grade students and teacher from Plattsmouth; 19 eighth grade students and teachers from Lewiston Consolidated School; 80 third and fourth grade students and teachers from Blumfield Elementary School, Omaha; 30 fourth grade students and teachers from Meadows Elementary School, Ralston; 85 fourth and fifth grade students and sponsors from Lexington; 90 fifth grade students and teachers from Calvert Elementary School, Lincoln; a group of senior citizens from District 24; and former Senator Richard Maresh from Milligan.

## RECESS

At 11:59 a.m., on a motion by Mr. Bruning, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Robak presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Janssen and Vrtiska who were excused; and Messrs. Cudaback, Dierks, Jensen,

Landis, Lynch, Matzke, Robinson, Schmitt, Schrock, Wehrbein, Wesely, Will, Mmes. Robak, Stuhr, Suttle, Thompson, and Witek who were excused until they arrive.

## 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.

Educational Lands and Funds
John D. Feller

VOTE: Aye: Senators Wickersham, Willhoft, Suttle, Stuhr, Raikes, and Bohlke. Nay: None. Absent: Senators Beutler and Brashear.

(Signed) Ardyce L. Bohlke, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 1176.** The Chambers pending motion, found on page 1792, to reconsider the vote on his motion to bracket, was renewed.

Mr. Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Mr. Chambers moved to recommit to the Education Committee.

Mr. Chambers withdrew his motion to recommit to committee.

Mr. Bruning withdrew his amendment, AM4480, found on page 1786.

Mr. Bruning offered the following amendment:
AM4486

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Quality Work Force Academic Loan Program Act.

Sec. 2. For purposes of the Quality Work Force Academic Loan Program Act:

(1) Commission means the Coordinating Commission for Postsecondary Education;

(2) Department means the Department of Economic Development;

(3) Full-time employment means the amount of time as defined by the loan recipient's employer or by industry standards;

(4) Full-time student means, in the aggregate, the

equivalent of a student who in a twelve-month period is enrolled in (a) thirty semester credit hours or forty-five quarter credit hours of classroom, laboratory, clinical, practicum, or independent study course work or cooperative work experience or (b) nine hundred contact hours of classroom or laboratory course work for which credit hours are not offered or awarded. Avocational and recreational community service programs or courses shall not be included in determining full-time equivalent students or student enrollment;

(5) Participating business means a business that contributes to the Quality Work Force Academic Loan Program Revolving Fund;

(6) Participating institution means a regionally or nationally accredited public, nonprofit, or private postsecondary educational institution in this state which complies with the act;

(7) Part-time student means, in the aggregate, the equivalent of a student who in a twelve-month period is enrolled in (a) fifteen semester credit hours or twenty-three quarter credit hours of classroom, laboratory, clinical, practicum, or independent study course work or cooperative work experience or (b) five hundred contact hours of classroom or laboratory course work for which credit hours are not offered or awarded. Avocational and recreational community service programs or courses shall not be included in determining full-time students; and

(8) Resident student means an individual who is domiciled in Nebraska as provided by section 85-502.

Sec. 3. The purposes of the Quality Work Force Academic Loan Program Act are to:

(1) Retain resident students and graduates in the Nebraska work force who have attended a Nebraska postsecondary educational institution and demonstrated academic achievement in either applied technology or academic programs or courses;

(2) Encourage students to seek education and training in fields which are essential to the economic development of the state;

(3) Promote development, attraction, and retention of workers in Nebraska by establishing the Quality Business Consortium which shall consist of businesses in this state that support this state's postsecondary students by providing internships;

(4) Establish a loan contract that requires a loan recipient to obtain full-time employment in this state after graduation and complete a designated number of hours at an internship with a business participating as a member of the Quality Business Consortium;

(5) Provide for the administration of the program and distribution of appropriated state funds by the commission, with the individual loans determined and directly disbursed by participating institutions according to rules and regulations of the commission; and

(6) Provide funds for the program in such amounts as may be appropriated by the Legislature.

Sec. 4. (1) The commission shall establish and maintain an information data base which (a) details current efforts by postsecondary educational institutions in this state to recruit students and to place graduates of such institutions with Nebraska businesses and (b) provides the number of graduates participating in the Quality Work Force Academic Loan Program from participating institutions.

(2) The data base information regarding loan recipients shall include (a) their majors and degrees, (b) their employment decisions regarding location of residence, (c) the industry and business name in which employed, (d) the title of their position, and (e) their total compensation and benefits.

(3) The commission shall submit to the Executive Board of the Legislative Council an annual report containing pertinent information obtained pursuant to this section.

Sec. 5. (1) The department, the commission, and representatives of participating institutions shall develop a plan to increase the number of postsecondary students and graduates who remain in the work force of this state. The plan shall include a process to annually identify the state's high-priority work force needs. High- priority work force needs shall be areas of employment in which there is a lack of qualified applicants and industry areas having the highest employment growth rate. High-priority work force needs shall be identified through information compiled by the Nebraska Career Information System, the United States Department of Labor, and the Bureau of Business Research of the University of Nebraska-Lincoln. The recommended high-priority work force needs shall be reviewed by the Executive Board of the Legislative Council.

(2) The department shall establish the Quality Business Consortium which shall consist of businesses in this state that provide an internship and pay an annual fee. The fee is determined by a formula developed by the commission and the department based on the number of internships being offered by the participating business and the number of people employed by such business. The business fees shall be placed in the Quality Work Force Academic Loan Program Revolving Fund to be used for the funding of student loans. Participating businesses shall offer (a) paid internships negotiated between the student and the business, (b) for-college-credit internships, or (c) both. The participating businesses shall report to the commission when the student internship has been completed. The report shall include (a) whether the former intern was offered permanent employment when the student internship or graduation requirements were completed, (b) reasons given by the business for withholding an offer if it was not made, (c) reasons given by the student for declining the offer if it was not accepted, and (d) pertinent information as determined

by the commission to help evaluate the program. The department shall, in cooperation with the commission, recruit businesses to participate in the Quality Business Consortium that will provide internships in fields identified as high-priority work force needs.

(3) The department shall, in cooperation with the commission, develop a program to pair loan recipients under the Quality Work Force Academic Loan Program Act with appropriate internships at participating businesses. Whenever feasible, such internships shall be administered through existing internship programs.

(4) The department shall adopt and promulgate rules and regulations to implement this section.

Sec. 6. (1) The Quality Work Force Academic Loan Program is created. The commission shall administer the program and shall adopt and promulgate rules and regulations to implement the Quality Work Force Academic Loan Program Act. The commission shall annually submit a report to the Executive Board of the Legislative Council regarding the rules and regulations governing the program and its implementation.

(2) Loans shall be awarded only to part-time and full-time resident students who are enrolled in a degree, diploma, or certificate program at a participating institution. Loans shall not be awarded to students enrolled in customized courses and programs for which industry is providing over fifty percent of the financial support, either directly or indirectly, and for which the students are not being charged tuition or mandatory fees by the participating institution.

(3) Loans shall be funded from the Quality Work Force Academic Loan Program Revolving Fund and shall be awarded to students through participating institutions in conjunction with the commission first to students with financial needs with consideration thereafter to academic achievements and career goals in accordance with rules and regulations of the commission. As an additional criterion, when qualified loan applicants exceed the funds available, a participating institution shall give preference to students whose course or program work is identified as a high-priority work force need pursuant to section 5 of this act.

(4) Loan recipients, at or before graduation, with exceptions identified by the commission, must also complete an internship with a participating business. The commission shall define internship requirements based on the internship requirements of participating institutions.

(5) For full-time students enrolled in a degree, diploma, or certificate program, loans shall be awarded on an annual basis in an amount not less than one quarter of the student's tuition and mandatory fees combined. Loans shall not be awarded to individual students for a cumulative period exceeding five consecutive years. The commission shall develop appropriate policies for part-time students which are consistent with policies developed for full-time

students.

(6) Loans shall only be awarded through a participating institution to a qualified student. Participating institutions shall comply with the act and the rules and regulations of the commission. The commission may create an application and audit process for participating institutions.

(7) The amount of funding available shall be divided among all participating institutions annually for loans in compliance with the Quality Work Force Academic Loan Program based on a distribution formula as determined by the commission in accordance with its rules and regulations.

Sec. 7. The Quality Work Force Academic Loan Program Revolving Fund is created. The fund shall consist of appropriations by the Legislature, loan repayments, penalties, interest payments, contributions and fees from participating businesses, and any other funds received in the course of administering the program. The fund shall be administered by the commission. Any balance in the fund may be disbursed to participating institutions for loans under the Quality Work Force Academic Loan Program or for the costs incurred in administering the program. 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. 8. (1) To be eligible for a loan under the Quality Work Force Academic Loan Program, a full-time student shall sign a contract with the commission at the time the loan is awarded. The contract shall require that if (a) the loan recipient is not employed full time in Nebraska for a time period equal to the number of years such loans were received, (b) the loan recipient has not completed the internship requirement with a participating business by the date of his or her graduation, (c) the loan recipient is not enrolled as a full-time student in a graduate program within six months after obtaining an undergraduate degree for which a loan from the program was obtained, or (d) the loan recipient does not complete the requirements for graduation within five consecutive years, the amount awarded must be repaid with interest at the rate fixed pursuant to section 45-103 as of the date the loan recipient signed the contract and an appropriate penalty as determined by the commission may be assessed. The commission may by rules and regulations provide for exceptions to the conditions based upon mitigating circumstances. For part-time students, the commission shall develop appropriate policies which are consistent with the policies established for full-time students. A student who is awarded a loan must agree in writing to use the loan for tuition and mandatory fees only.

(2) If the student (a) successfully completes the program of study, (b) completes a qualifying internship program, (c) becomes timely employed full time within the state, and (d)

otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the applicant is required to remain employed in this state under the contract. After completion of the required period of full-time employment in Nebraska, parts of the cumulative loans shall be forgiven in annual increments equal to the amount of the loan received for an annual period beginning with the first loan.

(3) The commission has the administrative responsibility to track loan recipients and to develop repayment tracking and collection mechanisms. The commission may contract for services. When a loan has been forgiven, the amount becomes taxable income and the commission shall provide notification of such to the loan recipient, the Department of Revenue, and the United States Internal Revenue Service.

Sec. 9. The commission shall require an annual report on the Quality Work Force Academic Loan Program from each participating institution. On or before December 15 of each year, the commission shall submit a report to the Governor and the Clerk of the Legislature providing, at a minimum, information on an institution-by-institution basis, areas identified as high-priority work force needs, and the full-time or part-time status of loan recipients. The report shall include a financial statement and a description of the activity of the Quality Work Force Academic Loan Program Revolving Fund.".

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

Mr. Bruning moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mrs. Brown requested a roll call vote on the Bruning amendment.

Voting in the affirmative, 27:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kristensen | Peterson, C. | Thompson |
| Beutler | Engel | Landis | Preister | Wehrbein |
| Bohlke | Hillman | Matzke | Raikes | Wesely |
| Brashear | Hudkins | Pedersen, Dw. | Schimek | Wickersham |
| Bromm | Jensen | Pederson, D. | Schrock | Willhoft |
| Bruning | Jones | | | |

Voting in the negative, 5:

| | | | | |
|---|---|---|---|---|
| Brown | Chambers | Coordsen | Tyson | Witek |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Crosby | Elmer | Hartnett | Kiel | Maurstad |

Schellpeper

Excused and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Dierks | Lynch | Robinson | Stuhr | Vrtiska |
| Hilgert | Robak | Schmitt | Suttle | Will |
| Janssen | | | | |

The Bruning amendment was adopted with 27 ayes, 5 nays, 6 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Bruning requested a record vote on the advancement of the bill.

Voting in the affirmative, 19:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Jensen | Peterson, C. | Suttle |
| Bohlke | Cudaback | Matzke | Preister | Thompson |
| Brashear | Engel | Pedersen, Dw. | Raikes | Wesely |
| Bromm | Hillman | Pederson, D. | Schimek | |

Voting in the negative, 16:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kristensen | Schellpeper | Wehrbein |
| Brown | Hudkins | Landis | Schrock | Wickersham |
| Chambers | Jones | Maurstad | Tyson | Witek |
| Coordsen | | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Crosby | Hartnett | Kiel | Willhoft |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Dierks | Janssen | Robak | Schmitt | Vrtiska |
| Hilgert | Lynch | Robinson | Stuhr | Will |

Failed to advance to E & R for engrossment with 19 ayes, 16 nays, 4 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 1175.** The Wickersham pending amendment, AM4035, found on page 1548 and considered on page 1768, was renewed.

Messrs. Coordsen, Cudaback, Hartnett, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Elmer offered the following amendment to the Wickersham pending amendment:
FA741
Amend AM4035
On line 7, strike subsection (e)
On line 8, pg. 17 of the E & R amendment, AM7236, strike subsection (a)

Mr. Elmer withdrew his amendment.

Mr. Wickersham withdrew his amendment, AM4035.

Mrs. Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Kiel renewed her pending amendment, AM4261, found on page 1768.

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

Mrs. Kiel withdrew her amendment.

Mrs. Bohlke renewed her pending amendment, AM4274, found on page 1700.

The Bohlke 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.

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 922, 1193, 1193A, 1209, and 1209A.

### Enrollment and Review Change to LB 922

The following changes, required to be reported for publication in the Journal, have been made:
ER9150
1. Because of the adoption of E & R amendment, AM7231, amendment 21, in the Beutler et al. amendment, AM4135, amendment 17 has been struck.
2. In the E & R amendments, AM7231, amendment 4 has been struck.
3. On page 2, line 15, "37-1211," has been inserted after "37-719,"; and in line 22 "to provide and change provisions relating to enforcement, penalties, and fees; to change provisions relating to controlled shooting areas

and registration of boats;" has been inserted before "to".

4. On page 252, line 8, "37-1211," has been inserted after "37-719,".

**Enrollment and Review Change to LB 1193**

The following changes, required to be reported for publication in the Journal, have been made:

ER9157

1. Sections 1 to 4 and all amendments thereto have been struck and

"Section 1. (1) A person serving as the president, a general partner, any other officer, or an authorized representative of a corporation, limited partnership, limited liability partnership, or limited liability company or a corporate trustee of a trust shall report to the Secretary of State:

(a) Any interest in real estate held by the corporation, limited partnership, limited liability partnership, limited liability company, or trust used for farming or ranching in this state as defined under Article XII, section 8, of the Constitution of Nebraska;

(b) Any activity or enterprise performed, conducted, or engaged in by the corporation, limited partnership, limited liability partnership, limited liability company, or trust defined as farming or ranching in this state under Article XII, section 8, of the Constitution of Nebraska; and

(c) Whether the corporation, limited partnership, limited liability partnership, limited liability company, or trust contracts with others engaged in farming or ranching for the care or production of agricultural commodities, including livestock.

(2) The reports required by this section shall be open to the public.

(3) For purposes of sections 1 to 5 of this act, interest in real estate used for farming or ranching includes legal, beneficial, and other interests, including interests held by a corporation, limited partnership, limited liability partnership, limited liability company, or trust in a general partnership holding real estate used for farming or ranching, but does not include an interest in real estate used for farming or ranching acquired by a corporation, limited partnership, limited liability partnership, limited liability company, or trust by process of law in the collection of debts or by any procedures for the creation or enforcement of a lien, encumbrance, or claim on the real estate, whether created by mortgage or otherwise.

Sec. 2. (1) The report required by section 1 of this act shall be on a form provided by the Secretary of State. The Secretary of State may incorporate the form with other forms required to be filed by entities identified in subsection (1) of section 1 of this act. If there has been no change in the information contained in the previous report filed by the reporting entity, the reporting entity may so indicate in a space provided on the reporting form for that purpose.

(2) The Secretary of State shall include a list of exemptions to the prohibitions contained in Article XII, section 8, of the Constitution of Nebraska and a means by which persons filing the form may indicate, if applicable, which exemptions apply to the reporting entity. The reporting entity may include or attach a statement indicating the basis upon which the reporting entity claims exemption from the prohibitions contained

in Article XII, section 8, of the Constitution of Nebraska.

(3) The Secretary of State shall annually prepare a report indicating the total number of entities reporting under sections 1 to 5 of this act, the number of entities reporting as a corporation, as a limited partnership, as a limited liability partnership, as a limited liability company, and as a trust and the basis upon which the reporting entities claim exemption from the prohibitions contained in Article XII, section 8, of the Constitution of Nebraska. The Secretary of State shall deliver the report to the Clerk of the Legislature on or before January 1 each year.

Sec. 3. (1) Failure to report the information required by section 1 of this act or the filing of false information shall be cause for dissolution or cancellation of registration of the corporation, limited partnership, limited liability partnership, or limited liability company or revocation of authority to transact business in this state in the manner provided in this section.

(2) If the Secretary of State has reason to believe a corporation, limited partnership, limited liability partnership, or limited liability company required to report pursuant to section 1 of this act has failed to report, or has filed a false or incomplete report, the Secretary of State shall send to the registered agent of such entity by certified mail a notice stating that if the defect is not corrected within sixty days after receipt of notice the entity shall be dissolved or its registration shall be canceled.

(3) If the Secretary of State determines that the entity has not corrected the defect upon the expiration of sixty days after notice of failure to report, false reporting, or incomplete reporting, the entity shall be dissolved or its registration canceled. Notice of such cancellation shall be sent by certified mail to the registered agent of the entity.

(4) A business entity dissolved or canceled pursuant to this section may have its existence reinstated at any time by submitting a report as required by sections 1 to 5 of this act correcting the defect for which it was dissolved and paying a reinstatement fee of one hundred dollars to the Secretary of State. Any fees received pursuant to this section shall be remitted to the State Treasurer for credit to the Corporation Cash Fund.

Sec. 4. (1) The Secretary of State shall use reports generated under section 76-1517 to assist in the identification of trusts engaged in farming or ranching activity as defined in Article XII, section 8, of the Constitution of Nebraska.

(2) Any corporate trustee failing to report the information required by section 1 of this act or filing false information shall be punished by a fine of not more than five hundred dollars.

(3) Any fines received pursuant to this section shall be remitted to the State Treasurer for credit to the temporary school fund.

Sec. 5. The Secretary of State and the Attorney General, for the enforcement of both sections 1 to 5 of this act and Article XII, section 8, of the Constitution of Nebraska, shall have the authority to subpoena witnesses, compel their attendance, examine them under oath, and require the production of documents, records, or tangible things deemed relevant to the proper performance of their duties. Service of any subpoena shall be made in the manner prescribed by the rules of civil procedure." inserted.

2. In the Hudkins amendment, AM4438, sections 5 to 7 have been

renumbered as sections 6 to 8, respectively.

3. On page 1, line 1, "to amend sections 2-4402 and 2-4403, Reissue Revised Statutes of Nebraska;" has been inserted after the semicolon; in line 5 "and to provide for" has been struck and "to provide for fines or" inserted; and in line 6 "; to define a term; to include grain warehouses in the Nebraska Right to Farm Act; and to repeal the original sections" has been inserted after "comply".

## Enrollment and Review Change to LB 1209

The following changes, required to be reported for publication in the Journal, have been made:

ER9156

1. In the Bruning amendment, AM4455, on page 1, line 4, "department" has been struck and "Department of Environmental Quality" inserted.

2. In the Bromm et al. amendment, AM4449:

a. Sections 30 to 32 have been renumbered as sections 31 to 33, respectively;

b. On page 1, line 3; and page 3, line 22, "1998," has been inserted after the last comma; and

c. On page 3, line 18, "Section 30 of this act becomes" has been struck and "Sections 31 and 33 of this act become" inserted.

3. In the E & R amendments, AM7244:

(a) On page 2, line 11; page 3, lines 3 and 7; and page 11, line 26, "effective date of this act" has been struck and "operative date of this section" inserted;

(b) On page 7, line 24, the first "this" has been struck and "the" inserted; and

(c) On page 14, line 3, "sunset" has been struck and "terminate" inserted.

4. In the Standing Committee amendments, AM4002, on page 65, line 16, "28" has been struck and "29" inserted.

5. On page 1, the matter beginning with "livestock" in line 1 through line 10 has been struck and "environment; to amend sections 81-1501 to 81-1503, 81-1506 to 81-1508.02, 81-1511, 81-1512, and 81-1532, Reissue Revised Statutes of Nebraska, section 46-257, Revised Statutes Supplement, 1996, sections 81-1504 and 81-1505, Revised Statutes Supplement, 1997, and section 88, Legislative Bill 1161, Ninety-fifth Legislature, Second Session, 1998; to adopt the Livestock Waste Management Act; to provide a penalty; to provide duties for the Department of Environmental Quality and the Department of Water Resources; to change provisions relating to geologists; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Jon C. Bruning, Chairperson

**AMENDMENTS - Print in Journal**

Mr. Brashear filed the following amendment to LB 218:
AM4474

(Amendments to E & R amendments, AM7261)

1. Insert the following new sections:

"Sec. 8. Section 29-104, Reissue Revised Statutes of Nebraska, is amended to read:

29-104. The term prosecuting attorney ~~shall mean~~ means any county attorney. ~~Such term shall also mean any~~ or city attorney or assistant city attorney ~~in a city of the metropolitan class~~ when such attorney is prosecuting any violation designated as a misdemeanor or traffic infraction.

Sec. 9. Section 29-115, Reissue Revised Statutes of Nebraska, is amended to read:

29-115. Any person aggrieved by a statement taken from him or her which is not a voluntary statement, or any statement which he or she believes was taken from him or her in violation of the fifth or sixth amendments of the Constitution of the United States, may move for suppression of such statement for use as evidence against him or her. The suppression motion shall be filed in the district court where a felony is charged and may be made at any time after the information or indictment is filed, and must be filed at least ten days before trial, unless otherwise permitted by the court for good cause shown. When the charge is other than a felony, the motion shall be filed in the court where the complaint is pending, and must be filed at least ten days before trial or at the time of the plea to the complaint, whichever is later, unless otherwise permitted by the court for good cause shown. Unless claims of a statement being involuntary or taken in violation of the fifth or sixth amendments of the Constitution of the United States are raised by motion before trial as provided in this section, all objections to the use of such statements as evidence on these grounds shall be deemed waived, except that the court may entertain such motions to suppress after the commencement of trial when the defendant is surprised by the introduction of such statements by the state, and also the court in its discretion may entertain motions to suppress such statements when the defendant was not aware of the grounds for any such motion before the commencement of trial, or in such situations as the court deems that justice may require. In the event that the trial court entertains any such motion after the commencement of trial, the defendant shall be deemed to have waived any jeopardy which may have attached. None of the foregoing shall affect the right of the defendant to present the question of the voluntariness of the statement, or the question of whether the proper constitutional safeguards were given to any defendant either in custody or otherwise significantly deprived of his or her liberty, for the consideration of the fact finder at trial.

Sec. 10. Section 29-116, Reissue Revised Statutes of Nebraska, is amended to read:

29-116. (1) In addition to any other rights of appeal, the state shall have the right to appeal from an order granting a motion for the suppression of statements alleged to be involuntary or in violation of the fifth or sixth amendments of the Constitution of the United States in the manner provided in this section.

(2) If ~~When~~ such motion has been granted in the district court, the Attorney General or the county attorney or prosecuting ~~officer~~ attorney with the consent of the Attorney General may file his or her application with the Clerk of the Supreme Court asking for a summary review of the order granting the motion. The review shall be made by a judge of the Court of Appeals at chambers upon such notice, briefs, and argument as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review, and upon any trial on the general issue thereafter, the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.

(3) If such motion has been granted in the county court, the Attorney General, or the county attorney or prosecuting attorney may file his or her application with the clerk of the district court in the district in which the motion has been granted asking for a summary review of the order granting the motion. The review shall be made by a judge of the district court upon such notice, briefs, and arguments as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review, and upon any trial on the general issue thereafter the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.

Sec. 11. Section 29-117, Reissue Revised Statutes of Nebraska, is amended to read:

29-117. The application for review provided in section 29-116 shall be accompanied by a copy of the order of the ~~district~~ trial court granting the motion to suppress and a transcript of all the evidence, including affidavits, considered by the ~~district~~ trial court in its ruling on the motion, and so certified by the ~~district~~ trial court. The application shall be filed with the Clerk of the Supreme Court, if the trial court is the district court, or with the clerk of the district court, if the trial court is the county court, within such time as may be ordered by the ~~district~~ trial court, which in fixing such time shall take into consideration the length of time required to prepare the necessary transcripts, and shall also consider whether the defendant is in jail or whether he or she is on bail, but in no event shall more than thirty days be given in which to file such application.

Sec. 12. Section 29-118, Reissue Revised Statutes of

Nebraska, is amended to read:

29-118. In making an order granting a motion to suppress a statement, the ~~district~~ trial court shall in such order fix a time, not exceeding ten days, in which the county attorney or other prosecuting ~~officer~~ attorney may file a notice with the clerk of such court of his or her intention to seek a review of the order. Upon the filing of such notice, the ~~district~~ trial court shall fix a time in which the application for review shall be filed with the ~~Clerk of the Supreme Court~~ clerk of the appellate court.

Sec. 13. Section 29-824, Reissue Revised Statutes of Nebraska, is amended to read:

29-824. (1) In addition to any other right to appeal, the state shall have the right to appeal from an order granting a motion for the return of seized property and to suppress evidence in the manner provided in sections 29-824 to 29-826.

(2) If such motion has been granted in district court, the Attorney General or the county attorney or prosecuting ~~officer~~ attorney with the consent of the Attorney General may file his or her application with the Clerk of the Supreme Court asking for a summary review of the order granting the motion. The review shall be made by a judge of the Court of Appeals at chambers upon such notice, briefs, and argument as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review, and upon any trial on the general issue thereafter the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.

(3) If such motion has been granted in the county court, the Attorney General, or the county attorney or prosecuting attorney may file his or her application with the clerk of the district court in the district in which the motion has been granted asking for a summary review of the order granting the motion. The review shall be made by a judge of the district court upon such notice, briefs, and arguments as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review, and upon any trial on the general issue thereafter the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.

Sec. 14. Section 29-825, Reissue Revised Statutes of Nebraska, is amended to read:

29-825. The application for review provided in section 29-824 shall be accompanied by a copy of the order of the ~~district~~ trial court granting the motion to suppress and a transcript of all of the evidence, including affidavits, considered by the ~~district~~ trial court in its ruling on the motion, and so certified by the ~~district~~ trial court. The application shall be filed with the Clerk of the Supreme Court, if the trial court is the district court, or with the clerk of the district court, if the trial court

is the county court, within such time as may be ordered by the ~~district~~ trial court, which in fixing such time shall take into consideration the length of time required to prepare the necessary transcript, and shall also consider whether the defendant is in jail or whether he or she is on bail, but in no event shall more than thirty days be given in which to file such application.

Sec. 15. Section 29-826, Reissue Revised Statutes of Nebraska, is amended to read:

29-826. In making an order granting a motion to suppress and to return property, the ~~district~~ trial court shall in such order fix a time, not exceeding ten days, in which the county attorney or other prosecuting ~~officer~~ attorney may file a notice with the clerk of such court of his or her intention to seek a review of the order. Upon the filing of such notice the ~~district~~ trial court shall fix the time in which the application for review shall be filed with the ~~Clerk of the Supreme Court~~ appellate court, and shall make an appropriate order for custody of the property pending completion of the review.

Sec. 29. The following sections are outright repealed: Sections 24-586, 24-587, 24-588, 24-589, 24-590, and 29-827, Reissue Revised Statutes of Nebraska.".

2. On page 11, line 11, strike "18 and 19" and insert "26 and 27".

3. On page 15, line 7; and page 19, lines 7 and 12, strike "18" and insert "26".

4. On page 20, line 21; and page 21, line 1, after "28-311.05," insert "29-104, 29-115, 29-116, 29-117, 29-118, 29-824, 29-825, 29-826,".

5. On page 21, line 8, after the semicolon insert "to redefine a term; to change and eliminate provisions relating to the filing of suppression motions; to eliminate miscellaneous provisions relating to the county court;"; in line 11 strike "and"; and in line 12 after "sections" insert "; and to outright repeal sections 24-586, 24-587, 24-588, 24-589, 24-590, and 29-827, Reissue Revised Statutes of Nebraska".

6. Renumber the remaining sections accordingly.

Mr. Maurstad filed the following amendment to LB 218:
AM4206

(Amendments to AM4189)

1. Insert the following new sections:

"Sec. 20. (1) The Office of Community Justice is established within the Department of Correctional Services.

(2) The Legislature finds that in Nebraska there is a critical lack of community-based sanctions that are alternatives to incarceration. The purpose of the Office of Community Justice is to promote the development of programs, facilities, and services that provide alternative sanctions and structured program options in the community to protect public safety, enhance offender

rehabilitation, and reduce recidivism.

(3) It is the policy of this state to establish and finance on a continuing basis, with appropriations from the General Fund and available federal funds, a statewide community justice program. The purposes of this program are to (a) provide appropriate sentencing alternatives, (b) enhance local services for persons charged with criminal offenses with the goal of reducing repeat criminal offenses, (c) encourage local management of community justice programs, (d) utilize the most effective criminal sanction to protect public safety, punish the offender, rehabilitate the offender, and reduce recidivism, and (e) make eligible offenders accountable to the community for their criminal behavior through a wide range of locally developed sanctions.

Sec. 21. For purposes of sections 20 to 26 of this act:

(1) Day reporting center means a nonresidential program providing intensive supervision to offenders by requiring daily personal contact with the center to verify the location of the offender and to establish the offender's daily itinerary;

(2) Eligible offender means a person who has been convicted of a felony or misdemeanor but does not include a person who has been found to be a habitual criminal under section 29-2221 or a substantial risk to the general public; and

(3) Post-incarceration supervision means release of an offender from a correctional facility under supervision prior to expiration of the offender's sentence.

Sec. 22. (1) The Director of Correctional Services shall appoint an administrator for the Office of Community Justice. The administrator shall be a person who has an appropriate background in community-based correctional programs and adequate training and experience in correctional administrative work.

(2) The office shall:

(a) Organize within the Department of Correctional Services as provided in section 83-933;

(b) Make available financial aid to assist cities, villages, and counties in implementing and operating community justice programs pursuant to section 23 of this act. Uses for the financial aid shall include, but not be limited to, preventive or diversionary correctional programs, standard or intensive probation, parole, work release, day reporting centers, home confinement or house arrest programs including electronic surveillance, restitution, victims' services, community services, mandatory substance abuse testing and treatment, and other community justice centers and programs for the care and treatment of eligible offenders;

(c) Provide consultation and technical assistance to cities, villages, and counties for developing and implementing comprehensive community justice plans;

(d) Adopt and promulgate rules and regulations prescribing minimum standards for establishing, operating, and

evaluating community justice under comprehensive community justice plans and other rules and regulations as deemed necessary for the administration and implementation of sections 20 to 26 of this act. The rules and regulations shall be sufficiently flexible to foster the development of new and improved supervision or rehabilitation practices;

(e) Review, approve, disapprove, or modify all comprehensive community justice plans for participation in the community justice program under sections 20 to 26 of this act;

(f) Review, approve, or disapprove financial aid granted pursuant to sections 20 to 26 of this act to assist counties in implementing and operating community justice;

(g) Review the performance of cities, villages, and counties participating in community justice programs, report such performance to the local community justice boards and the director, and take necessary action when noncompliance with comprehensive community justice plans and operating standards exists. The local community justice board shall substantially comply with the provisions of its comprehensive community justice plan and the operating standards established by the office to remain eligible to participate;

(h) Enter into intergovernmental agreements that include an approved local comprehensive community justice plan when a county or an association of counties assumes responsibility for any portion of correctional services previously provided by the state;

(i) Establish an automated information system to monitor the effectiveness of correctional services provided to eligible offenders; and

(j) Provide necessary staff to carry out the duties and functions provided in sections 20 to 26 of this act.

Sec. 23. (1) A city, village, county, or an association of cities, villages, or counties may apply to the Office of Community Justice in a manner and form prescribed by the office for financial aid made available under sections 20 to 26 of this act. The application shall be filed by the governing board of a city, village, or county or by the local community justice board pursuant to subdivision (2)(f) of this section in the case of an association of cities, villages, or counties. The application shall include a comprehensive community justice plan.

(2) All comprehensive community justice plans shall comply with rules and regulations adopted and promulgated by the office and shall include:

(a) A proposal for a community justice program that demonstrates the need for the program, the program's structure, the degree of community involvement, the extent of client participation, and the duration of the program;

(b) A provision that the program will be available to eligible offenders as an alternative to incarceration and to parolees, probationers, and offenders on post-incarceration

supervision;

(c) The location and description of facilities and services that will be used in the community justice program, including, but not limited to, halfway houses, work-release centers, day reporting centers, and treatment centers;

(d) The program's administrative structure, including provisions for staffing and staff training, the program's proposed budget, and the program's evaluation process;

(e) The manner in which probation, parole, post-incarceration supervision, and other correctional services will be provided. Consideration may be given to contracting with proven, private correctional services providers;

(f) The manner in which cities, villages, or counties that jointly apply for participation will operate a coordinated community justice program;

(g) Correctional services that will be made available to persons who are confined in local correctional facilities or jails;

(h) The manner in which the local community justice boards will participate in the community justice program; and

(i) A description of the target population of eligible offenders, parolees, probationers, and offenders on post-incarceration supervision.

(3)(a) If a comprehensive community justice plan has been approved and financial aid has been accepted under sections 20 to 26 of this act, the governing board or local community justice board shall assume responsibility for any correctional services provided in the plan, including developing and implementing a management information system as prescribed by the office.

(b) Financial aid received by a governing board or local community justice board pursuant to sections 20 to 26 of this act shall not be used to replace federal or state funds being used for correctional programs for eligible offenders by the cities, villages, or counties subject to the governing board or local community justice board and shall not be used to develop, improve, or construct local correctional facilities or jails.

(4) All comprehensive community justice plans shall designate a community justice supervisor and shall provide that the supervisor shall administer community justice.

(5) No amendment to or modification of an approved comprehensive community justice plan shall be effective without prior approval of the office.

Sec. 24. Eligibility for funding under section 23 of this act shall be limited to a city, village, county, or association of cities, villages, or counties adopting a comprehensive community justice plan which provides for one or more of the following in a residential or nonresidential setting:

(1) Structured community sanctions for eligible offenders;

(2) Drug and alcohol programs for at-risk eligible

offenders;

(3) Reentry programs for eligible offenders leaving institutions; and

(4) Alternative sentencing options to incarceration.

Sec. 25. (1) A governing board of a city, village, or county that is applying for financial aid under sections 20 to 26 of this act shall designate a local community justice board. The governing board of each city, village, or county participating in an association of cities, villages, or counties that is applying for financial aid under sections 20 to 26 of this act shall designate representatives of the city, village, or county as members on the community justice board for the association. The local community justice board may include (a) a law enforcement officer, (b) a county attorney, (c) a district court judge, (d) a public defender or defense attorney, (e) a probation or parole officer, (f) a representative of private correctional providers, if available, (g) a member of a county board from each participating county, (h) a victim's advocate, and (i) citizens at large, including ethnic minorities to reflect local population.

(2) The local community justice board shall actively participate in the design of the comprehensive community justice plan, the application for financial aid, the evaluation of the community justice program, the formulation of an annual report, and the development of appropriate recommendations for improvement or modification to the governing board and the community justice supervisor.

Sec. 26. Proceedings under sections 20 to 25 of this act shall not be subject to the Administrative Procedure Act.

Sec. 27. Section 83-922, Revised Statutes Supplement, 1996, is amended to read:

83-922. The Department of Correctional Services shall fulfill those functions of state government relating to the custody, study, care, discipline, training, and treatment of persons in correctional and detention institutions. There shall be separate divisions within the department to assist in fulfilling these functions. The divisions shall be (1) the Division of ~~Community-Centered Services~~ Classification and Correctional Programs, (2) the Division of Administrative Services, and (3) the Division of Adult Services. The Director of Correctional Services shall appoint an assistant director as head of each division and may remove or change the powers and responsibilities of the assistant director of any of the divisions at his or her discretion.

Sec. 28. Section 83-931, Reissue Revised Statutes of Nebraska, is amended to read:

83-931. The Director of Correctional Services shall appoint as assistant director of the Division of ~~Community-Centered Services~~ Classification and Correctional Programs any person who has an appropriate academic background and adequate training and

experience in corrections.

Sec. 29. Section 83-932, Reissue Revised Statutes of Nebraska, is amended to read:

83-932. The Division of ~~Community-Centered Services~~ Classification and Correctional Programs shall:

(1) Coordinate all adult inmate classification, services, and parole programs ~~and services~~ in the state and supervise the administration of such ~~programs and~~ services and programs;

(2) Cooperate with the Division of Adult Services in the coordination of volunteer programs in the adult correctional facilities;

(3) ~~Coordinate~~ Develop, coordinate, and supervise community ~~educational~~ justice programs to ~~increase community awareness and~~ provide alternative sanctions, enhance the understanding of the community rehabilitative programs ~~of the division~~, and increase offender accountability to the community; and

(4) Perform all duties necessary to carry out the provisions of this section.

Sec. 30. Section 83-933, Reissue Revised Statutes of Nebraska, is amended to read:

83-933. The Office of Parole Administration and the Office of Community Justice shall be separate offices within the Division of ~~Community-Centered Services.~~ ~~Subject~~ Classification and Correctional Programs. Both offices are subject to the supervision of the assistant director of the division. ~~; the~~

The administrator of the Office of Community Justice shall be charged with the administration of community justice services and shall encourage local and private management of community sentencing alternatives.

The Parole Administrator shall be charged with the administration of parole services in the community pursuant to the provisions of section 83-1,102 and administration of the Uniform Act for Out-of-State Parolee Supervision.

Sec. 31. Section 83-939, Reissue Revised Statutes of Nebraska, is amended to read:

83-939. The Division of Adult Services shall:

(1) Establish, administer, and supervise all correctional facilities designed to house adult offenders;

(2) Establish and maintain the Adult Diagnostic and Evaluation Services Program; and

(3) ~~Develop and coordinate with the assistance of the Division of Community-Centered Services, volunteer programs within adult correctional facilities; and~~

~~(4)~~ Perform any other duties assigned by the Director of Correctional Services.

Sec. 33. The following sections are outright repealed: Sections 47-601 to 47-615, and 47-618, Reissue Revised Statutes of Nebraska, section 47-617, Revised Statutes Supplement, 1996, and

section 47-616, Revised Statutes Supplement, 1997.

Sec. 34. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 10, line 19, strike "correctional facility" and show as stricken; and in line 20 strike "or", show as stricken, and insert "justice" and strike "section 47-610", show as stricken, and insert "sections 20 to 26 of this act".

3. On page 20, line 14, strike "and" and after the last comma insert "83-931 to 83-933, and 83-939,"; and in line 15 strike "section 42-903" and insert "sections 42-903 and 83-922".

4. Renumber the remaining section accordingly.

Messrs. Wickersham and Coordsen filed the following amendment to LB 512:
AM4401

(Amendments to AM4329)

1. Insert the following new section:

"Section 1. Section 13-518, Reissue Revised Statutes of Nebraska, is amended to read:

13-518. For purposes of sections 13-518 to 13-522:

(1) 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 or more;

(2) Governing body has the same meaning as in section 13-503;

(3) 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 and school districts;

(4) Population growth means (a) for governmental units other than community colleges, the percentage increase, if any, in inhabitants in the governmental unit between the two most recent consecutive years for which population estimates are available and (b) 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. A governmental unit may use federal census numbers from the annual county population estimates from the Bureau of Economic Analysis of the United States Department of Commerce federal census update or recount or numbers calculated using a method similar to the method described in section 77-3,119 for the two most recent available consecutive years for determining population growth. A governmental unit which encompasses part of one or more counties may estimate the prior year and current year population using

housing starts, by basing the estimate on a proportionate share of the population of the county, or by using the population growth estimate of those municipalities that are within that portion of the county;

(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) state aid, and (e) transfers of surpluses from any user fee, permit fee, or regulatory fee if the fee surplus is transferred to fund a service or function not directly related to the fee and the costs of the activity funded from the fee; and

(6) State aid means:

(a) For all governmental units, state aid paid pursuant to sections 60-305.15 and 77-3523;

(b) For municipalities, state aid to municipalities paid pursuant to sections 18-2605, 39-2501 to 39-2520, and 77-27,136 and insurance premium tax paid to municipalities;

(c) For counties, state aid to counties paid pursuant to sections 39-2501 to 39-2520 and 77-27,136 and section 5 of this act and insurance premium tax paid to counties;

(d) For community colleges, state aid to community colleges paid 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.".

2. On page 10, line 4, after "Original" insert "section 13-518, Reissue Revised Statutes of Nebraska,".

3. Renumber the remaining sections and correct internal references accordingly.

## STANDING COMMITTEE REPORTS
### 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.

Foster Care Review Board
Carol Ruskamp

Nebraska Child Abuse Prevention Fund
Jack L. Price
Jane Storey

Nebraska Health and Human Services Partnership Council
Ann Holtz

State Board of Health
Glenn P. York

VOTE: Aye: Senators Wesely, Matzke, Dierks, Jensen, Suttle, Thompson, and Witek. Nay: None. Absent: None.

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.

Foster Care Review Board
Weston W. Andre-Hann
Susan Gilmore
Carolyn Green
Linda Lund

Nebraska Child Abuse Prevention Fund
Kevin Benesch
Peter Tulipana

Nebraska Rural Health Advisory Commission
Margaret Cavanaugh-Boyer
Alice M. Kindschuh
Gary J. Pavel
Jerome Seigfried Jr.

VOTE: Aye: Senators Wesely, Matzke, Dierks, Suttle, and Thompson. Nay: Senators Jensen and Witek. Absent: None.

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.

State Board of Health
Henry L. Balters
Dennis C. Hirschbrunner
Jerry Vaughan

VOTE: Aye: Senators Wesely, Matzke, Suttle, and Thompson. Nay: Senators Jensen and Witek. Present, Not Voting: Senator Dierks. Absent: None.

(Signed) Don Wesely, Chairperson

## UNANIMOUS CONSENT - Members Excused

Ms. Schimek and Mr. Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 303.** Mr. Chambers withdrew his amendment, FA118, found on page 1266, First Session, 1997.

Mr. Hilgert withdrew his amendment, AM2650, found on page 2672, First Session, 1997.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 752A.** Mr. Chambers withdrew his amendments, AM2538 through AM2560, found on pages 2482 through 2484, First Session, 1997.

Mr. Beutler withdrew his motion, found on page 2484, First Session, 1997, to suspend the rules.

Mr. Chambers renewed his pending amendment, AM3988, found on page 1230.

The Chambers amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1104.** E & R amendment, AM7249, found on page 1664, was adopted.

Mr. Maurstad asked unanimous consent to replace the Maurstad-Chambers pending amendment, AM4378, found on page 1703, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew the Maurstad-Chambers amendment, AM4378, found on page 1703.

Messrs. Maurstad and Chambers offered the following substitute amendment:

AM4484

1. Insert the following new sections:

"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,~~

(1) Until July 1, 1998, or the operative date of this section, whichever is later, the rate of the sales tax levied pursuant to section 77-2703 shall be five percent;

(2) Commencing July 1, 1998, or the operative date of this section, whichever is later, and until July 1, 2000, the rate of the sales tax levied pursuant to section 77-2703 shall be four and one-half percent; and

(3) Commencing July 1, 2000, the rate of the sales tax levied pursuant to section 77-2703 shall be five percent.

Sec. 29. Section 84-612, Revised Statutes Supplement, 1997, 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 or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) On June 15, 1999, the State Treasurer shall transfer forty million dollars from the Cash Reserve Fund to the General Fund.

(6) On or before June 30, 1999, the State Treasurer shall transfer eighty million dollars from the Cash Reserve Fund to the General Fund.".

2. Correct the operative date section and repealer so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Schmitt, Dierks, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Abboud moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Kristensen requested a roll call vote on the motion to cease debate.

Mr. Hartnett requested the roll call vote be taken in reverse order.

Voting in the affirmative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Landis | Preister | Stuhr | Will |
| Bruning | Lynch | Robak | Suttle | Willhoft |
| Crosby | Pedersen, Dw. | Schrock | Tyson | |

Voting in the negative, 27:

| | | | | |
|---|---|---|---|---|
| Beutler | Coordsen | Jensen | Pederson, D. | Thompson |
| Bohlke | Engel | Jones | Peterson, C. | Wehrbein |
| Brashear | Hartnett | Kiel | Raikes | Wesely |
| Bromm | Hilgert | Kristensen | Schellpeper | Wickersham |
| Brown | Hillman | Matzke | Schimek | Witek |
| Chambers | Hudkins | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Elmer | Maurstad | Robinson |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Cudaback | Dierks | Janssen | Schmitt | Vrtiska |

The motion to cease debate failed with 14 ayes, 27 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mmes. Hillman and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## MESSAGE FROM THE GOVERNOR

April 7, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 989 was received in my office on April 2, 1998.

This bill was signed by me on April 7, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

## EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LBs 395, 699, and 632.

(Signed) Pat Engel

**AMENDMENT - Print in Journal**

Mrs. Kiel filed the following amendment to LB 1126:
AM4488

(Amendments to Final Reading copy)

1. On page 10, line 3, after "(2)" insert "On and after January 1, 2000, thirty dollars of the registration fee for a specialty pesticide shall be credited to the Buffer Strip Incentive Fund under subdivision (1)(b) of this section, and thirty dollars of each such fee shall be credited to the pesticide disposal program of the Department of Agriculture to be used to collect unused pesticide at collection sites throughout the state.

(3)".

**STANDING COMMITTEE REPORTS**
**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 Advisory Commission on Compulsive Gambling
Frank McGill
Susan Parascand

VOTE: Aye: Senators Cudaback, Hartnett, Robak, Schellpeper, and Will. Nay: None. Not Voting: Senator Hudkins. Absent: Senators Janssen and Vrtiska.

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 State Electrical Board
William King
Joseph Pinhero

Nebraska Advisory Commission on Compulsive Gambling
Jerry Bauerkemper
Dianne Streeks

Nebraska Arts Council
Terrence Ferguson
Thomas Woods III
Kam-Ching Leung
Edward Taylor

VOTE: Aye: Senators Cudaback, Hartnett, Hudkins, Robak, Schellpeper, and Will. Nay: None. Absent: Senators Janssen and Vrtiska.

(Signed) Stan Schellpeper, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 1104.** The Maurstad-Chambers pending amendment, AM4484, found on page 1816, was renewed.

Mr. Wesely and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad offered the following amendment to the Maurstad-Chambers pending amendment:
FA744
Amend AM4484
change line 10 - 2000 to 1999
change line 13 - 2000 to 1999

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Maurstad amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Maurstad moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Mrs. Bohlke requested a roll call vote, in reverse order, on the Maurstad-Chambers amendment, as amended.

Voting in the affirmative, 33:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Kiel | Robak | Thompson |
| Bohlke | Crosby | Kristensen | Robinson | Tyson |
| Brashear | Engel | Landis | Schimek | Wesely |
| Bromm | Hilgert | Maurstad | Schmitt | Will |
| Brown | Hudkins | Pedersen, Dw. | Stuhr | Willhoft |
| Bruning | Jensen | Peterson, C. | Suttle | Witek |
| Chambers | Jones | Preister | | |

Voting in the negative, 12:

| | | | | |
|---|---|---|---|---|
| Beutler | Hartnett | Lynch | Pederson, D. | Schellpeper |
| Elmer | Hillman | Matzke | Raikes | Schrock |

Wehrbein Wickersham

Present and not voting, 1:

Dierks

Excused and not voting, 3:

Cudaback Janssen Vrtiska

The Maurstad-Chambers amendment, as amended, was adopted with 33 ayes, 12 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Wickersham withdrew the Wickersham-Wehrbein amendments, AM4398 and AM4400, found on pages 1742 and 1744.

Mr. Wickersham withdrew the Wickersham-Wehrbein-Raikes amendment, AM4447, found on page 1744.

Mr. Wickersham renewed his pending amendment, AM4419, found on page 1747.

Mr. Wickersham withdrew his amendment.

Mrs. Bohlke renewed her pending amendment, AM4446, found on page 1748.

Messrs. Beutler and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke withdrew her amendment.

Messrs. Wickersham and Coordsen offered the following amendment:
AM4402

1. Insert the following new section:

"Sec. 4. Section 13-518, Reissue Revised Statutes of Nebraska, is amended to read:

13-518. For purposes of sections 13-518 to 13-522:

(1) 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 or more;

(2) Governing body has the same meaning as in section

13-503;

(3) 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 and school districts;

(4) Population growth means (a) for governmental units other than community colleges, the percentage increase, if any, in inhabitants in the governmental unit between the two most recent consecutive years for which population estimates are available and (b) 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. A governmental unit may use federal census numbers from the annual county population estimates from the Bureau of Economic Analysis of the United States Department of Commerce federal census update or recount or numbers calculated using a method similar to the method described in section 77-3,119 for the two most recent available consecutive years for determining population growth. A governmental unit which encompasses part of one or more counties may estimate the prior year and current year population using housing starts, by basing the estimate on a proportionate share of the population of the county, or by using the population growth estimate of those municipalities that are within that portion of the county;

(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) state aid, and (e) transfers of surpluses from any user fee, permit fee, or regulatory fee if the fee surplus is transferred to fund a service or function not directly related to the fee and the costs of the activity funded from the fee; and

(6) State aid means:

(a) For all governmental units, state aid paid pursuant to sections 60-305.15 and 77-3523;

(b) For municipalities, state aid to municipalities paid pursuant to sections 18-2605, 39-2501 to 39-2520, and 77-27,136 and insurance premium tax paid to municipalities;

(c) For counties, state aid to counties paid pursuant to sections 39-2501 to 39-2520 and 77-27,136 and sections 2 and 7, Legislative Bill 695, Ninety-fifth Legislature, Second Session, 1998, and insurance premium tax paid to counties;

(d) For community colleges, state aid to community colleges paid 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; and

(f) For educational service units, state aid appropriated under section 79-1241.".

2. Correct the operative date section and repealer so

that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

The Wickersham-Coordsen amendment was adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Schellpeper requested a record vote on the advancement of the bill.

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Abboud | Engel | Landis | Raikes | Tyson |
| Bohlke | Hilgert | Lynch | Robak | Wehrbein |
| Brashear | Hillman | Matzke | Robinson | Wesely |
| Bromm | Hudkins | Maurstad | Schimek | Wickersham |
| Brown | Jensen | Pedersen, Dw. | Stuhr | Will |
| Bruning | Jones | Pederson, D. | Suttle | Willhoft |
| Coordsen | Kiel | Peterson, C. | Thompson | Witek |
| Crosby | Kristensen | Preister | | |

Voting in the negative, 1:

Schellpeper

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Elmer | Hartnett | Schmitt | Schrock |
| Dierks | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Beutler | Cudaback | Janssen | Vrtiska |

Advanced to E & R for engrossment with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1104A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1346.** E & R amendment, AM7245, found on page 1665, was adopted.

Advanced to E & R for engrossment.

Mr. Robinson and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE RESOLUTION 303CA.** Messrs. Abboud and Kristensen renewed their pending amendment, AM4311, found on page 1746.

The Abboud-Kristensen amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

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

**LEGISLATIVE BILL 341.** E & R amendment, AM7246, printed separately and referred to on page 1665, was adopted.

Mr. Wesely renewed his pending motion, found on page 1584, to indefinitely postpone LB 341.

Mr. Wesely withdrew his motion to indefinitely postpone.

Mrs. Crosby moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 341A.** E & R amendment, AM7252, found on page 1707, was adopted.

Advanced to E & R for engrossment.

## AMENDMENTS - Print in Journal

Mr. Hartnett filed the following amendment to LB 1293:
AM4493

(Amendments to E & R amendments, AM7260)

1. On page 14, line 25, before "Each" insert "(1)".
2. On page 15, after line 17, insert

"(2) Based upon the report of the board, the Appropriations Committee of the Legislature shall annually recommend to the Legislature, after a public hearing, the amount to be appropriated to the fund pursuant to section 18 of this act. The recommendation shall be for a total sum which will provide for distributions to annual accounts which fall within the limitations prescribed in subsection (3) of section 19 of this act. The recommendation to the Legislature shall specify the amount per qualified participant reflected in the total amount to be appropriated. The recommendation shall be based upon a proposed distribution of two hundred and fifty dollars times the number of

qualifying participants as reported by the board, the total being reduced only as deemed prudent and necessary in consideration of existing and projected circumstances where state budget needs exceed the available state revenue or state revenue is insufficient to meet state budget needs.".

3. On page 20, line 13, after "funds" insert "sufficient"; and in line 15 after "act" insert "within the restrictions prescribed in subsection (3) of such section. The appropriation shall be in an amount consistent with the attainment of the goals and purposes of the Volunteer Emergency Responders Recruitment and Retention Act and the prudent management of current and projected state revenue in the light of state budget needs".

4. On page 22, line 11, strike "less" and insert "more"; in line 12 after "dollars" insert "nor less than one hundred dollars"; and in line 14 after the period insert "The amount to be distributed to the annual accounts shall be based upon an equal distribution per qualifying participant of the total sum appropriated to the fund by the Legislature for each year of service as provided in section 18 of this act.".

Mr. Hartnett filed the following amendment to LB 1293:
AM4494

(Amendments to E & R amendments, AM7260)

1. On page 31, strike lines 19 and 20 and insert "on their effective date.".

## MOTIONS - Print in Journal

The Appropriations Committee filed the following motion to LB 1108:
Pursuant to Rule 6, Section 14, to override the Governor's line-item vetoes to LB 1108 contained in:

1. Section 36, Agency 26, Program 424 Developmental Disability Aid, for rate equity.

2. Section 57, Agency 50, Program 901 System wide Miscellaneous Improvements to Facilities, for miscellaneous fire and life safety improvements to various buildings on the three college campuses.

Mr. Wehrbein filed the following motion to LB 1108:
To override the Governor's line-item General Fund veto of the appropriation contained in LB 1108, section 58, for fiscal year 1998-99.

## SELECT FILE

**LEGISLATIVE BILL 1158.** E & R amendment, AM7241, found on page 1530, was adopted.

Mr. Brashear offered the following amendment:
AM4489

1. Insert the following new section:

"Section 1. Section 24-806, Reissue Revised Statutes of Nebraska, is amended to read:

24-806. (1) Lawyer members and alternate lawyer members of any judicial nominating commission shall be members of the bar of the State of Nebraska and shall reside in the judicial district or area of the state served by the commission except as provided in subsection (2) of this section. Not more than two lawyer members of each commission shall be registered members of the same political party or category, and not more than two alternate lawyer members shall be registered members of the same political party or category. Nominations for lawyer members of each commission shall be solicited in writing by the Clerk of the Supreme Court from all the lawyers of the district or area served on or before September 1 of each even-numbered year. Nominations of lawyer members shall be made in writing and filed in the office of the Clerk of the Supreme Court on or before October 1 of each even-numbered year. Each nomination of a lawyer member shall be accompanied by a written consent of the nominee to serve as a member of the commission if elected. The nominations shall be solicited and distributed on the ballot by the Clerk of the Supreme Court from the legally recognized political parties and in such a manner as will permit the final selection to be made within the required political party. ~~At least two qualified lawyers shall be nominated for each position.~~

(2) If solicited nominations are insufficient ~~insufficient nominations are made~~ to provide ~~two~~ candidates from the permissible political parties for each vacancy, the Executive Council of the Nebraska State Bar Association, within ten days after the last day for filing nominations, shall nominate additional candidates for the position so that there shall be a ~~two~~ qualified candidate ~~candidates~~ for each position. Such candidates need not reside in the judicial district or area served by such judicial nominating commission.

(3) The Clerk of the Supreme Court shall mail a ballot with the name of each nominee to all members of the bar of Nebraska residing in the judicial district or area designating a date at least ten days and not more than fourteen days after the date of such mailing by the Clerk of the Supreme Court when the ballots will be opened and counted. The ballots shall be counted by a board consisting of the Clerk of the Supreme Court, the Secretary of State, and the Attorney General or by alternates designated by

any of them to serve in his or her place. The Clerk of the Supreme Court shall insure that the election is so conducted as to maintain the secrecy of the ballot and the validity of the results. The candidate of the required political party receiving the highest number of votes shall be considered as having been elected to the commission. The candidate of the required political party receiving the next highest number of votes shall be considered as having been elected an alternate lawyer member of the commission and shall serve as a lawyer member of the commission in the event of a lawyer member vacancy of the same political party or category on the commission created either by resignation or disqualification. In the case of a resignation, an alternate lawyer member shall continue to serve as a member of the commission until the term of office of his or her predecessor expires.

(4) In any election when more than one lawyer member of a judicial nominating commission is to be elected, the nominees shall be submitted without designation of the term. Each voter shall be instructed to vote for as many nominees as there are vacancies to be filled. The candidate receiving the highest number of votes shall be considered as having been elected for the longest term. The candidate receiving the next highest number of votes shall be deemed to have been elected for next to the longest term, and if an alternate lawyer member or members are to be elected, the candidate or candidates receiving the third and fourth highest number of votes shall be deemed elected as the alternate lawyer member or members. In case of ties the determination shall be made by lot by the counting board.".

2. On page 2, line 16, strike "section" and insert "sections 24-806 and"; and in line 17 strike "is" and insert "are".

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

The Brashear 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 532.** E & R amendment, AM7242, found on page 1531, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 532A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1129.** E & R amendment, AM7248, found on page 1694, was adopted.

Mr. Lynch and Mrs. Hillman reoffered their amendment, AM3906, found on

page 1182 and considered on page 1596.

The Lynch-Hillman amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. Crosby renewed her pending amendment, AM4454, found on page 1769.

The Crosby amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Will asked unanimous consent to be excused. No objections. So ordered.

Mr. Jensen asked unanimous consent to replace his pending amendment, AM4212, found on page 1641, with a substitute amendment. No objections. So ordered.

Mr. Jensen withdrew his amendment, AM4212, found on page 1641.

Mr. Jensen renewed his substitute pending amendment, AM4461, found on page 1770.

The Jensen amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Messrs. Wesely and Landis renewed their pending amendment, AM3504, found on page 1671.

Mr. Hilgert asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Wesely-Landis amendment was adopted with 28 ayes, 1 nay, 11 present and not voting, and 9 excused and not voting.

Mr. Tyson reoffered his amendment, AM3816, found on page 1085.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Beutler requested a division of the question on the Tyson amendment.

The Chair sustained the division of the question.

The first Tyson amendment is as follows:

FA745

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new section:

"Section 1. Section 70-637, Reissue Revised Statutes of Nebraska, is amended to read:

70-637. Before any district enters into any contract for the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, any ethanol producing or distributing system, any irrigation works, or any part or section thereof for the use of the district or for the purchase of any materials, machinery, or apparatus to be used in such construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement, such district shall cause estimates of the cost thereof to be made by some competent engineer or engineers. If such estimated cost exceeds the sum of ~~fifty~~ one hundred thousand dollars, no such contract shall be entered into without advertising for sealed bids, except that (1) the board may negotiate directly with sheltered workshops pursuant to section 48-1503 and (2) with respect to contracts entered into by a district in the exercise of its rights and powers relating to radioactive material or the energy therefrom, ~~or~~ to any maintenance or repair contracts, if the engineer or engineers certify that by reason of the nature of the subject matter of the contract compliance with this section would be impractical and not in the public interest and the engineer's certification is approved by a two-thirds vote of the board, the provisions of sections 70-637 to 70-639 relating to sealed bids shall not apply and the district shall advertise notice of its intention to enter into such contract, the general nature of the proposed work, and the name of the person to be contacted for additional information by anyone interested in contracting for such work. Any contract for which the board has approved such engineer's certificate shall be advertised in three issues not less than seven days between issues in one or more newspapers of general circulation in the district and in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of its intention to enter into such contract, and any such contract shall not be entered into prior to twenty days after the last advertisement. With respect to contracts in excess of ~~fifty~~ one hundred thousand dollars entered into for the purchase of any materials, machinery, or apparatus to be used in the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, any ethanol producing or distributing system, any irrigation works, or any part or section thereof when the contract does not include onsite labor for the installation thereof, if, after advertising for sealed bids, no responsive bids are received or if the board of directors of such district determines that all bids received are in excess of the fair market value of the subject matter of such bids, sections 70-637 to 70-639 shall not apply.

The first Tyson amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

The second Tyson amendment is as follows:

FA746

(Amendments to Standing Committee amendments, AM2895)

Notwithstanding any other provision of sections 70-637 to 70-639, a district may, without advertising or sealed bidding, purchase replacement parts or services relating to such replacement parts for any generating unit, transformer, or other transmission and distribution equipment from the original manufacturer of such equipment upon certification by an engineer or engineers that such manufacturer is the only available source of supply for such replacement parts or services and that such purchase is in compliance with standards established by the board. A written statement containing such certification and a description of the resulting purchase of replacement parts or services from the original manufacturer shall be submitted to the board for its approval at the next scheduled meeting of the board by the engineer or engineers certifying the purchase. After such certification, but not necessarily before the board review, notice of any such purchase shall be published once a week for at least three consecutive weeks in one or more newspapers of general circulation in the district and published in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of such purchase. Notwithstanding any other provision of sections 70-637 to 70-639, a district may purchase used equipment and materials on a negotiated basis without advertising or sealed bidding upon certification by an engineer that such equipment is or materials are in compliance with standards established by the board. A written statement containing such certification and a description of the resulting purchase shall be submitted to the board by the engineer certifying the purchase for the board's approval at the next scheduled meeting of the board.".

2. On page 11, line 6, after "sections" insert "70-637,".

3. Renumber the remaining sections accordingly.

Mr. Tyson asked unanimous consent to withdraw the second Tyson amendment, FA746. No objections. So ordered.

Ms. Schimek withdrew her amendment, AM4375, found on page 1704.

Ms. Schimek asked unanimous consent to replace her pending amendment, AM4408, found on page 1768, with a substitute amendment. No objections. So ordered.

Ms. Schimek withdrew her amendment, AM4408, found on page 1768.

Mr. Wehrbein and Ms. Schimek offered the following substitute amendment: AM4497

(Amendments to Standing Committee amendments, AM2895)

1. Insert the following new sections:

"Sec. 8. The Director of Administrative Services may (1) initiate interfund borrowing among the Vacant Building and Excess Land Fund and the various revolving funds within the Department of Administrative Services, except that at no time shall aggregate advances from all lending funds to any given borrowing fund exceed one million five hundred thousand dollars and (2) through June 30, 1999, initiate transfers from the Vacant Building and Excess Land Fund to the State Building Revolving Fund and the Building Renewal Allocation Fund, except that the cumulative transfers to the State Building Revolving Fund shall not exceed seven hundred fifty thousand dollars and the cumulative transfers to the Building Renewal Allocation Fund shall not exceed seven hundred fifty thousand dollars.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

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

The Wehrbein-Schimek amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Matzke reoffered his amendment, AM4123, found on page 1412.

The Matzke amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mrs. Brown and Mr. Bromm offered the following amendment: AM4501

1. Insert the following new sections:

"Section 1. A church shall be exempt from the rules and regulations adopted under section 48-418.12 regarding the installation of a key-switch elevator if the church verifies that the elevator will be restricted to the use of disabled or elderly persons who need access which the elevator will provide and that an elevator is not otherwise required by state or federal regulation. A key-switch elevator may only be installed in a building that does not have another elevator. The key-switch elevator must meet the requirements of the Nebraska Elevator Code for private residence elevators.

Sec. 2. Section 48-418.02, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.02. The Commissioner of Labor and the state elevator inspector shall have the right and power to enter any

building or structure, public or private, for the purpose of inspecting any equipment covered by sections 48-418 to 48-418.12 and section 1 of this act or gathering information with reference thereto.

Sec. 3. Section 48-418.03, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.03. Upon making an inspection of any equipment covered by sections 48-418 to 48-418.12 and section 1 of this act and receipt of the inspection fee, the inspector shall give to the owner or user thereof a certificate of inspection, upon forms prescribed by the Commissioner of Labor. The certificate shall be posted in the elevator car.

Sec. 4. Section 48-418.04, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.04. The provisions of sections 48-418 to 48-418.12 and section 1 of this act shall not apply to (1) elevators under the jurisdiction and subject to inspection by the United States Government, (2) elevators used exclusively for agricultural purposes, and (3) elevators in private residences.

Sec. 5. Section 48-418.06, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.06. The state elevator inspector shall maintain a complete and accurate record of the name of the owner or user of each elevator and equipment subject to sections 48-418 to 48-418.12 and section 1 of this act and a full description of the equipment and the date when last inspected.

Sec. 6. Section 48-418.07, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.07. The inspections required by sections 48-418 to 48-418.12 and section 1 of this act shall not be made when any owner or user of any equipment obtains an inspection by a representative of a reputable insurance company licensed to do business in Nebraska, obtains a policy of insurance from such company upon the equipment, and files with the Commissioner of Labor a certificate of inspection by such insurance company and a statement that such equipment is insured, and no fee shall be required. No inspection shall be required under sections 48-418 to 48-418.12 and section 1 of this act when there has been an annual inspection under a city ordinance which meets the standards of the Nebraska Elevator Code.

Sec. 7. Section 48-418.10, Revised Statutes Supplement, 1996, is amended to read:

48-418.10. The Elevator Inspection Fund is hereby created. The Commissioner of Labor shall use the fund for the administration of the elevator inspection program pursuant to sections 48-418 to 48-418.14 and section 1 of this act. The fund shall consist of money appropriated to it by the Legislature and fees collected in the administration of the elevator inspection program.

Fees so collected shall be remitted to the State Treasurer for credit to the fund and shall not lapse into the General Fund. Any money in the Elevator Inspection 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. 8. Section 48-418.11, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.11. Any person, persons, corporations, and the directors, managers, superintendents, and officers of such corporations violating any of the provisions of sections 48-418 to 48-418.12; and section 1 of this act shall be guilty of a Class V misdemeanor. Each violation shall be a separate offense.

Sec. 9. Section 48-418.12, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.12. The Commissioner of Labor shall adopt and promulgate rules and regulations to establish safety requirements for elevators used in this state and to implement the exemption for installation of key-switch elevators as described in section 1 of this act. A safety code may be adopted as a rule and regulation by the commissioner and shall thereafter be known as the Nebraska Elevator Code. The rules and regulations may conform generally to the standards found in the American National Safety Code A 17.1 as published by the American Society of Mechanical Engineers. A copy of this code, if so adopted, shall be kept on file in the office of the commissioner.

Sec. 10. Section 48-418.14, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.14. For purposes of sections 48-418 to 48-418.12 and section 1 of this act, unless the context otherwise requires, elevator shall include (1) any hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors of a building or structure, (2) an escalator, (3) a power-driven incline, (4) a continuous stairway used for raising or lowering passengers, (5) moving sidewalks, (6) dumbwaiters, and (7) tray conveyors.".

2. Correct the repealer accordingly.

3. Renumber the remaining sections accordingly.

Mrs. Brown withdrew the Brown-Bromm amendment.

Advanced to E & R for engrossment.

## MESSAGES FROM THE GOVERNOR

April 7, 1998

Madam President, Mr. Speaker

and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

After careful review, I have signed LB 320 and LB 320A, the graduated driver licensing bill, which takes effect January 1, 1999. This legislation will provide a more gradual and rigorous process to enable our youth to master and enjoy the driving privilege. The bill also improves age identification for would-be purchasers of alcoholic beverages. There can be no higher cause than protecting and nurturing those who constitute Nebraska's future.

However, I am gravely concerned that the late night driving curfew imposed by LB 320 will foreclose responsible entertainment and travel options for rural youth who turn 16 after December 31, 1998. In this One Nebraska, we do not all enjoy nearby movie theaters or fast food establishments. I have to agree with Brian Jackson, the student council president from Southern Valley High in Southwest Nebraska, who was on a school visit to the Capitol today: "It's a Big City bill."

Accordingly, I urge the Legislature to review the issue over the interim and take expeditious corrective action in January. The responsible thing to do is to lift the excessive burden on rural youngsters almost as soon as it takes effect.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 7, 1998

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

Dear Madame President, Mr. Speaker,
and Members of the Legislature:

With this letter, I am returning LB 695 and LB 695A with my veto.

LB 695, as amended, also includes the provisions of LB 1136. The original provisions of LB 695 will require up to $6.8 million for each of two years beginning FY 1999-00. The LB 1136 language provides for annual allocations of $5.5 million, beginning in FY 1998-99. I will address both aspects of the final bill in this letter. The purpose of state aid to counties and local governments is to provide property tax relief for Nebraskans, within the reasonable limits of the state budget and measured against the various priorities advanced by the Legislature.

The Legislature seems to recognize that objective in words, if not in deeds,

with this bill. Section 7 of the LB 695 Final Reading copy creates a "County Property Tax Relief Program." Unfortunately, the bill does not deliver on this promise and the result is just one more attempt to portray legislation as property tax relief when it is merely increased state spending. Had the Legislature included a provision which would have required counties to pass savings on to property taxpayers, this bill may have measured up to its stated intent. As it stands now, this legislation requires further refinement in the next session.

Last year, the Legislature approved LB 180, setting aside $20 million for each of three years in a trust fund to be used for property tax relief. Already this year, I have signed legislation which will provide $9.7 million from that fund in aid to Educational Service Units.

Additional proposals for property tax relief appear to be moving toward passage, and LB 695 must be considered within this context. County and local governments will receive substantial relief as a result of LB 1108 provisions. These expenditures include $400,000 in increased state funding to benefit local libraries; $740,800 in care and treatment costs for the incompetent scheduled to stand trial; and $1,331,384 for the state to take over property tax assessment functions from five counties.

The passage of LB 695 would simply shift county jail costs to the state. Such a shift takes funds out from under the spending cap requirement that counties pass these savings on to Nebraskans in the form of property tax relief. As I suggested earlier in this letter, I am convinced the Legislature can address this issue next year, without any harm to the counties, since this bill does not propose to reimburse counties for prisoners until FY 1999-00.

I am also concerned that the complicated formula amended from LB 1136 may not reward counties where county boards make tough decisions to tighten budgets and lower property tax burdens. This language does not consider valuation per capita. In fact, 13 counties which are home to more than 67 percent of Nebraska's taxpayers receive absolutely no aid under the provisions of LB 1136 - not a single dollar - while more than $489,000 of the $5.4 million in the LB 1136 formula flows to just two counties, with a combined population of 24,301.

The formula for this calculation includes road miles, but these funds can be used for any purpose and not specifically for aid to county road budgets. This is general state aid to the counties.

Simply stated, LB 695 does not deliver true property tax relief to Nebraskans with respect to the underlying bill, nor in a manner which is fair and equitable with respect to the amendment. I urge you to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

**AMENDMENTS - Print in Journal**

Mrs. Crosby filed the following amendment to LB 1354:
AM4472

(Amendments to E & R amendments, AM7254)

1. Insert the following new sections:

"Sec. 45. Sections 45 to 59 of this act shall be known and may be cited as the Interior Designer Certification Act.

Sec. 46. In order to safeguard life, health, and property and to promote the public welfare, the profession of interior designer is declared to be subject to regulation in the public interest. It is unlawful for any person to use in connection with his or her name or otherwise assume the title certified interior designer. The use of the title certified interior designer is a privilege granted by the state through the board based on the rules and regulations of the board and the qualifications of the individual as evidenced by a certificate which is not transferable.

Sec. 47. For purposes of the Interior Designer Certification Act, the definitions found in sections 48 to 51 of this act shall be used.

Sec. 48. Board means the Board of Certified Interior Design Profession.

Sec. 49. Certification means a certificate and a certification number issued by the board.

Sec. 50. Certified interior designer means an interior designer who meets the criteria of education, experience, and examination in the rendering of interior design services established by the board through certification as an interior designer.

Sec. 51. Interior designer means an individual who administers contracts for fabrication, procurement, or installation in the implementation of space planning, designs, drawings, and specifications for any interior design project and offers or furnishes professional services, such as consultation, studies, drawings, specifications in connection with the location of lighting fixtures, specifications of ceiling finishes as reflected in ceiling plans, finish and specifications, furnishing, and interior construction which does not materially affect the building mechanical, structural, or electrical systems.

Sec. 52. Architects may be certified as certified interior designers. Architects certified as certified interior designers shall not be required to meet the examination requirements of sections 54 and 55 of this act. An architect shall not refer to himself or herself as a certified interior designer unless he or she is certified under the Interior Designer Certification Act.

Sec. 53. (1) The Board of Certified Interior Design Profession is created. The board shall consist of the Secretary of State and six members appointed by the Governor. The appointed members shall consist of one interior designer specializing in commercial design, one interior designer specializing in residential design, one interior designer specializing in kitchen and bath design, one interior designer specializing in home furnishing retail, one architect, and one member of the public.

The Secretary of State, or his or her designee, shall serve on the board in an ex officio capacity. Within one year of appointment to the board, three of the initial interior designer members shall become certified under the Interior Designer Certification Act. Thereafter, three interior designer members of the board shall be certified interior designers.

(2) The term of office of each appointed member shall be four years, except that of the initial members, three shall be appointed for terms of two years. Before a member's term expires, the Governor shall appoint a successor to take office on the expiration of the members' term. A member shall continue to serve after the expiration of his or her term until a successor is appointed and qualified. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(3) The members of the board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(4) The board may employ such persons as may be necessary to carry out the act, fix the salaries of such employees, and make such other expenditures as are necessary to properly carry out the act. All remuneration, expenses, salaries, and expenditures shall be paid out of the Interior Designer Certification Fund.

(5) The Secretary of State shall keep a record of all the proceedings, transactions, communications, and official acts performed pursuant to the act and perform such other duties as may be necessary to carry out the intent and purpose of the act.

Sec. 54. It shall be the duty of the board to (1) adopt and promulgate rules and regulations to administer the Interior Designer Certification Act, (2) enforce the act and rules and regulations, including enforcement against any person who misrepresents himself or herself as being certified, (3) establish educational requirements for certification as a certified interior designer, (4) establish examination requirements for certification as a certified interior designer, (5) establish experience requirements for certification as a certified interior designer, (6) establish a code of ethics for certified interior designers, (7) establish fees for initial certification as a certified interior designer, not to exceed one hundred dollars, and (8) establish annual renewal fees for a certified interior designer, not to exceed sixty-five dollars. Any person with six years of documented full-time experience in the field of interior design who desires to be a certified interior designer but who does not have the interior design education and examination required by the board may apply to the board for certification until January 1, 2002.

Sec. 55. Certification shall be granted by the board upon successful completion of educational, examination, and experience requirements as determined by each design profession's requirements. Applicants for certification shall provide proof of completion of his or her requirements to the board for

verification.

Sec. 56. A code of ethics shall be established by the board through rules and regulations, by which the members of the interior design profession shall govern their professional conduct. The code of ethics shall be beneficial to the state and shall safeguard the life, health, and property of the citizens of this state.

Sec. 57. An individual shall not engage in the use of the title certified interior designer unless he or she is certified under the Interior Designer Certification Act.

Sec. 58. The Interior Design Certification Act shall not be construed to require use of a certified interior designer in residential design or in the furtherance of a retail sale.

Sec. 59. The Interior Designer Certification Fund is created. The Secretary of State shall receive and account for all money derived from the operation of the Interior Designer Certification Act through fees and shall remit the money to the State Treasurer for credit to the fund. At no time shall the total amount of warrants for expenses of the board exceed the total amount of the fees collected under the act and to the credit of 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.".

2. Correct the operative date section so that the sections added by this amendment become operative January 1, 1999.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Brashear filed the following amendment to LB 1321:
AM4384

1. Insert the following new section:

"Sec. 86. Section 30-3209, Revised Statutes Supplement, 1996, is amended to read:

30-3209. (1) Corporate trustees authorized by Nebraska law to exercise fiduciary powers and holding retirement or pension funds for the benefit of employees or former employees of cities, villages, school districts, public power districts, or other governmental or political subdivisions may invest and reinvest such funds in such securities and investments as are authorized for trustees, guardians, conservators, personal representatives, or administrators under the laws of Nebraska. Retirement or pension funds of such cities, villages, districts, or subdivisions may be invested in annuities issued by life insurance companies authorized to do business in Nebraska. ~~Any~~ Except as provided in subsection (2) of this section, any other retirement or pension funds of cities, including cities operating under home rule charters, villages, school districts except as provided in section 79-9,107, public power districts, and all other governmental or political

subdivisions may be invested and reinvested, as the governing body of such city, village, school district, public power district, or other governmental or political subdivision may determine, in the following classes of securities and investments: ~~(1)~~ (a) Bonds, notes, or other obligations of the United States or those guaranteed by or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof; ~~(2)~~ (b) bonds or other evidences of indebtedness of the State of Nebraska and full faith and credit obligations of or obligations unconditionally guaranteed as to principal and interest by any other state of the United States; ~~(3)~~ (c) bonds, notes, or obligations of any municipal or political subdivision of the State of Nebraska which are general obligations of the issuer thereof and revenue bonds or debentures of any city, county, or utility district of this state when the earnings available for debt service have, for a five-year period immediately preceding the date of purchase, averaged not less than one and one-half times such debt service requirements; ~~(4)~~ (d) bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration; ~~(5)~~ (e) certificates of deposit of banks which are members of the Federal Deposit Insurance Corporation or capital stock financial institutions, and if the amount deposited exceeds the amount of insurance available thereon, then the excess shall be secured in the same manner as for the deposit of public funds; ~~(6)~~ (f) accounts with building and loan associations or federal savings and loan associations in the State of Nebraska to the extent that such accounts are insured by the Federal Deposit Insurance Corporation; ~~(7)~~ (g) bonds or other interest-bearing obligations of any corporation organized under the laws of the United States or any state thereof if ~~(a)~~ (i) at the time the purchase is made, they are given, by at least one statistical organization whose publication is in general use, one of the three highest ratings given by such organization and ~~(b)~~ (ii) not more than five percent of the fund shall be invested in the obligations of any one issuer; ~~(8)~~ (h) direct short-term obligations, generally classified as commercial paper, of any corporation organized or existing under the laws of the United States or any state thereof with a net worth of ten million dollars or more; and ~~(9)~~ (i) preferred or common stock of any corporation organized under the laws of the United States or of any state thereof with a net worth of ten million dollars or more if ~~(a)~~ (i) not more than fifty percent of the total investments at the time such investment is made is in this class and not more than five percent is invested in each of the first five years and ~~(b)~~ (ii) not more than five percent thereof is invested in the securities of any one corporation. Notwithstanding the percentage limits stated in this ~~section~~ subsection, the cash proceeds of the sale of such preferred or common stock may be

reinvested in any securities authorized under this subdivision. No city, village, school district, public power district, or other governmental subdivision or the governing body thereof shall be authorized to sell any securities short, buy on margin, or buy, sell, or engage in puts and calls. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

(2) Notwithstanding the limitations prescribed in subsection (1) of this section, trustees holding retirement or pension funds for the benefit of employees or former employees of any city of the metropolitan class or metropolitan utilities district shall invest such funds in investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another. Such investments shall not be made for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived. The trustees shall not buy on margin, buy call options, or buy put options. The trustees may lend any security if cash, United States Government obligations, or United States Government agency obligations with a market value equal to or exceeding the market value of the security lent are received as collateral. If shares of stock are purchased under this subsection, all proxies may be voted by the trustees. The asset allocation restrictions set forth in subsection (1) of this section shall not be applicable to the funds of pension or retirement systems administered by or on behalf of a city of the metropolitan class or metropolitan utilities district.".

2. Renumber the remaining sections, correct internal references accordingly, and amend the operative date and repealer sections so that the section added by this amendment becomes operative three calendar months after adjournment of this legislative session.

## MOTION - Adjournment

Mrs. Witek moved to adjourn until 9:00 a.m., Wednesday, April 8, 1998. The motion failed with 5 ayes, 21 nays, 13 present and not voting, and 10 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 1259.** E & R amendment, AM7247, found on page 1694, was adopted.

Mr. Hartnett withdrew his amendment, AM4276, found on page 1605.

Advanced to E & R for engrossment.

## VISITORS

Visitors to the Chamber were 20 fifth and sixth grade students and teacher from Cornerstone Christian School, Bellevue; 16 seniors and teacher from Overton; Judy and Bill Jackson from Mobile, Alabama; Jessica Pedersen and Betty Babcock from Scotia; Dave Hunt and Southern Valley High School student council and sponsor from Oxford; and 6 ninth, tenth, and eleventh grade students and teachers from Scottsbluff.

The Doctor of the Day was Cheryl Roth from Lincoln.

## MOTION - Adjournment

Mr. Wickersham moved to adjourn. The motion prevailed with 25 ayes, 8 nays, 6 present and not voting, and 10 excused and not voting, and at 8:57 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, April 8, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTY-EIGHTH DAY – APRIL 8, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 8, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen 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. Janssen who was excused; and Messrs. Abboud, Dierks, Landis, Dw. Pedersen, Vrtiska, Wehrbein, Wickersham, Will, Mmes. Bohlke, Kiel, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 303, 341, 341A, 532, 532A, 752A, 1158, 1346, and LR 303CA.

### Enrollment and Review Change to LB 752A

The following changes, required to be reported for publication in the Journal, have been made:
ER9159

1. On page 1, the matter beginning with "appropriations" in line 1 through line 4 has been struck and "state constitutional officers; to amend sections 75-104, 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska; to change the salaries of the Governor,

Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and members of the Public Service Commission; to appropriate funds; to harmonize provisions; and to repeal the original sections." inserted.

**Enrollment and Review Change to LB 1158**

The following changes, required to be reported for publication in the Journal, have been made:
ER9161

1. Sections 1 to 3 have been renumbered as sections 2 to 4, respectively.
2. On page 1, the matter beginning with "appropriations" in line 1 through line 5 and all amendments thereto have been struck and "laws; to amend sections 24-806 and 49-905, Reissue Revised Statutes of Nebraska; to change nominating provisions for membership on judicial nominating commissions; to change provisions relating to reimbursement for members of the Commission on Uniform State Laws; to change membership provisions; and to repeal the original sections." inserted.

(Signed) Jon C. Bruning, Chairperson

**MOTIONS - Approve Appointments**

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 1687: Michael Alberts - Nebraska Ethanol Board; John Miller - Nebraska Game and Parks Commission; and Louis Lamberty - Nebraska Power Review Board.

Voting in the affirmative, 28:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Matzke | Robinson | Stuhr |
| Brashear | Engel | Maurstad | Schellpeper | Suttle |
| Bromm | Hartnett | Pederson, D. | Schimek | Thompson |
| Brown | Hillman | Peterson, C. | Schmitt | Wesely |
| Bruning | Jensen | Preister | Schrock | Witek |
| Coordsen | Lynch | Raikes | | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Chambers | Elmer | Hudkins | Kristensen | Willhoft |
| Cudaback | Hilgert | Jones | Tyson | |

Excused and not voting, 12:

| | | | | |
|---|---|---|---|---|
| Abboud | Janssen | Pedersen, Dw. | Vrtiska | Wickersham |
| Bohlke | Kiel | Robak | Wehrbein | Will |
| Dierks | Landis | | | |

The appointments were confirmed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Mrs. Suttle moved the adoption of the report of the Education Committee for the following appointments found on pages 1724, 1725, and 1793: Frederick D. Brown - Nebraska Educational Telecommunications Commission; Margaretha Kloepping and Robert M. Martin - Educational Lands and Funds; Imogene Lou Enevoldsen - Coordinating Commission for Postsecondary Education; Keith Blackledge - Nebraska Educational Telecommunications Commission; and John D. Feller - Educational Lands and Funds.

Voting in the affirmative, 29:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Kristensen | Preister | Suttle |
| Brashear | Engel | Matzke | Raikes | Thompson |
| Bromm | Hartnett | Maurstad | Schellpeper | Tyson |
| Brown | Hilgert | Pedersen, Dw. | Schmitt | Wesely |
| Bruning | Jensen | Pederson, D. | Schrock | Willhoft |
| Coordsen | Jones | Peterson, C. | Stuhr | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Hillman | Lynch | Schimek |
| Chambers | Elmer | Hudkins | Robinson | Witek |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Bohlke | Janssen | Landis | Vrtiska | Wickersham |
| Dierks | Kiel | Robak | Wehrbein | Will |

The appointments were confirmed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 480.** Read. Considered.

LR 480 was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

## MOTION - Return LB 309 to Select File

Mr. Bromm moved to return LB 309 to Select File for his specific amendment, AM4334, found on page 1647.

The Bromm motion to return prevailed with 37 ayes, 0 nays, 4 present and

not voting, and 8 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 309.** The Bromm specific amendment, AM4334, found on page 1647, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

## MOTION - Return LB 1035 to Select File

Mr. Jensen moved to return LB 1035 to Select File for the Landis specific amendment, AM4069, found on page 1318.

The Jensen motion to return prevailed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 1035.** The Landis specific amendment, AM4069, found on page 1318, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

**LEGISLATIVE BILL 1293.** E & R amendment, AM7260, printed separately and referred to on page 1783, was adopted.

Mr. Hartnett renewed his pending amendment, AM4493, found on page 1824.

The Hartnett amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Hartnett renewed his pending amendment, AM4494, found on page 1825.

The Hartnett amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Abboud offered the following amendment:
AM4491

(Amendments to E & R amendments, AM7260)

1. Insert the following new section:

"Sec. 28. Section 35-109, Revised Statutes Supplement, 1997, is amended to read:

35-109. ~~No siren or other similar device whose primary purpose is to warn the public of a natural or manmade emergency or~~

~~disaster shall be used to notify volunteer firefighters of a fire or to summon volunteer firefighters to a fire.~~ It shall be unlawful for a person, corporation, or political subdivision to operate an outdoor siren or other similar device for any purpose except civil defense, notification of the public of natural or manmade disaster situations, or as authorized under section 60-6,285. Specifically, outdoor sirens or other similar devices shall not be used for the purpose of notifying or summoning volunteer firefighters or other individuals to emergency situations requiring the dispatching of ambulances, rescue service units, fire trucks, or other fire equipment. Such outdoor sirens or other similar devices may be placed in areas zoned commercial, industrial, or town center, but not within five hundred feet of property zoned for single-family residential use. This section applies ~~only~~ to cities ~~of the first class~~ located within a county which contains a city of the metropolitan class.

Sec. 33. Original section 35-109, Revised Statutes Supplement, 1997, is repealed.".

2. On page 31, line 18, after the period insert "Sections 28 and 33 of this act become operative on their effective date.".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Hillman and Mr. Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Abboud requested a roll call vote on his amendment.

Voting in the affirmative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Brashear | Preister | Wesely | Will |
| Beutler | Hilgert | | | |

Voting in the negative, 15:

| | | | | |
|---|---|---|---|---|
| Bruning | Elmer | Kristensen | Schmitt | Wickersham |
| Coordsen | Hudkins | Pedersen, Dw. | Thompson | Willhoft |
| Crosby | Jensen | Schellpeper | Tyson | Witek |

Present and not voting, 19:

| | | | | |
|---|---|---|---|---|
| Bohlke | Cudaback | Lynch | Peterson, C. | Schrock |
| Bromm | Dierks | Matzke | Raikes | Stuhr |
| Brown | Engel | Maurstad | Robinson | Suttle |
| Chambers | Hartnett | Pederson, D. | Schimek | |

Excused and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Hillman | Jones | Landis | Vrtiska | Wehrbein |
| Janssen | Kiel | Robak | | |

The Abboud amendment lost with 7 ayes, 15 nays, 19 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 1293A.** Advanced to E & R for engrossment.

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

**LEGISLATIVE BILL 1266.** E & R amendment, AM7259, found on page 1783, was adopted.

Mr. Chambers renewed his pending amendment, AM3986, found on page 1783.

**PRESIDENT ROBAK PRESIDING**

The Chambers amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 1175 and 1259.

### Enrollment and Review Change to LB 1175

The following changes, required to be reported for publication in the Journal, have been made:
ER9158

1. Changes have been made as necessary to incorporate all adopted amendments.

2. On page 1, the matter beginning with "sections" in line 1 through line 16 and all amendments thereto have been struck and "sections 23-3305, 72-801, 79-209, 79-213, 79-321, 79-741, 79-1020, 79-1021, 79-1023, 79-1025, 79-1027, 79-1030, 79-1067, 79-1090, 79-1112, 79-1212, 79-1213, 79-1215, and 79-1310, Reissue Revised Statutes of Nebraska,

section 43-2515, Revised Statutes Supplement, 1996, sections 29-2264, 79-241, 79-245, 79-458, 79-463, 79-528, 79-1005.01, 79-1007.01, 79-1007.02, 79-1008.01, 79-1008.02, 79-1009, 79-1010, 79-1015.01, 79-1016, 79-1022, 79-1024, 79-1026, 79-1031, 79-1031.01, 79-1032, 79-1033, 79-1036, 79-1065, 79-1070, 79-1083.02, 79-1083.03, 79-1084, 79-1110, 79-1132, 79-1142, 79-1185, 79-1202, and 79-1241, Revised Statutes Supplement, 1997, section 13-508, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998, sections 79-1003 and 79-1018.01, Revised Statutes Supplement, 1997, as amended by sections 42 and 44, respectively, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998, sections 1 and 2, Legislative Bill 1110A, Ninety-fifth Legislature, Second Session, 1998, and section 2, Legislative Bill 1228, Ninety-fifth Legislature, Second Session, 1998; to change provisions relating to probation, federal medicaid funds, truancy, school closing, reorganization of school districts, the assistant commissioner of education in charge of vocational education, educational service units, the statewide public computer information network, and quality education incentive payments; to define and redefine terms; to change and eliminate provisions relating to state aid to schools and school budgets; to provide for temporary mitigation funds; to appropriate funds; to state intent and change appropriation provisions; to eliminate a termination date and statements of legislative intent related to special education; to eliminate duties of the Special Education Accountability Commission; to eliminate provisions relating to a feasibility study and program plan for year-round school operation, the Nebraska School for the Deaf, and membership in educational service units; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 79-506 to 79-509, 79-511, 79-1012, 79-1019, 79-1118, 79-1199, 79-11,101, 79-11,104, 79-11,105, 79-11,107, 79-11,108, and 79-1214, Reissue Revised Statutes of Nebraska, sections 79-510, 79-1005, 79-1007, 79-1008, 79-1011, 79-1014, 79-1015, 79-1017, 79-1181, 79-1184, 79-1187, 79-11,100, 79-11,102, 79-11,103, 79-11,106, and 79-1203, Revised Statutes Supplement, 1997, and section 79-1018, Revised Statutes Supplement, 1997, as amended by section 43, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency." inserted.

(Signed) Jon C. Bruning, Chairperson

## SELECT FILE

**LEGISLATIVE BILL 218.** E & R amendment, AM7261, printed separately and referred to on page 1792, was adopted.

Mr. Brashear renewed his pending amendment, AM4474, found on page 1804.

The Brashear amendment was adopted with 26 ayes, 0 nays, 19 present and

not voting, and 4 excused and not voting.

Mr. Maurstad renewed his pending amendment, AM4206, found on page 1807.

Mr. Dw. Pedersen offered the following amendment to the Maurstad pending amendment:
(Amendment on file in the Clerk's Office - Room 2018 - FA748.)

Mr. Dw. Pedersen withdrew his amendment.

Mr. Dw. Pedersen requested a ruling of the Chair on whether the Maurstad amendment is germane to the bill.

The Chair ruled the Maurstad amendment is not germane to the bill.

Mr. Maurstad challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Maurstad withdrew his motion to overrule the Chair.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1174.** E & R amendment, AM7253, found on page 1726, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1174A.** E & R amendment, AM7255, found on page 1729, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1354.** E & R amendment, AM7254, printed separately and referred to on page 1729, was adopted.

Mrs. Stuhr renewed her pending amendment, AM4386, found on page 1708.

Mrs. Stuhr withdrew her amendment.

Messrs. Robinson, Cudaback, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby renewed her pending amendment, AM4472, found on page 1835.

Mrs. Crosby withdrew her amendment.

Advanced to E & R for engrossment.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 1354A.** Mr. Wesely renewed his pending amendment, AM4463, found on page 1762.

The Wesely 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 1321.** E & R amendment, AM7256, printed separately and referred to on page 1745, was adopted.

Mr. Jensen renewed the Landis pending amendment, AM4460, found on page 1773.

The Landis amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

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

Mr. Brashear renewed his pending amendment, AM4384, found on page 1838.

The Brashear amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1321A.** Advanced to E & R for engrossment.

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Reengrossed

The following bills were correctly reengrossed: LBs 309 and 1035.

### Correctly Engrossed

The following bills were correctly engrossed: LBs 1104 and 1104A.

### Enrollment and Review Change to LB 1104

The following changes, required to be reported for publication in the Journal, have been made:
ER9160

1. Sections have been renumbered, repealers have been amended, and internal references changed to reflect all adopted amendments.

2. On page 1, the matter beginning with "section" in line 1 through line 5 and all amendments thereto have been struck and "sections 8-1401, 8-1402, 10-139, 13-518, 77-375, 77-686, 77-1759, 77-2701.02, 77-27,144, 77-4101, 77-5003, 77-5005, 77-5009, and 77-5013, Reissue Revised Statutes of Nebraska, sections 77-123, 77-202.03, 77-203, 77-1504, 77-27,187, 77-27,187.01, 77-4901, 77-5001, and 84-612, Revised Statutes Supplement, 1997, sections 77-3442 and 77-3444, Revised Statutes Supplement, 1997, as amended by sections 36 and 38, respectively, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998, and section 7, Legislative Bill 695, Ninety-fifth Legislature, Second Session, 1998; to require production of records to the Tax Commissioner; to change provisions relating to property taxation; to change sales tax rate provisions; to change a local option sales tax provision; to redefine terms; to change and eliminate refund provisions; to change levy limitation provisions; to change provisions relating to the Tax Equalization and Review Commission; to change a state aid provision; to provide for a transfer of funds; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-1736.08, Revised Statutes Supplement, 1997; and to declare an emergency." inserted.

(Signed) Jon C. Bruning, Chairperson

## MOTIONS - Print in Journal

Messrs. Cudaback, Elmer, Bromm, Robinson, Engel, Brashear, Matzke, Hartnett, Willhoft, Preister, Dw. Pedersen, Jones, Coordsen, Wehrbein, Dierks, Tyson, Schrock, Raikes, Lynch, Wickersham, D. Pederson, Schellpeper, and Mmes. Hillman, Robak, Bohlke, Hudkins, C. Peterson, Stuhr, and Ms. Schimek filed the following motion to LB 695:

That LB 695 become law notwithstanding the objections of the Governor.

Messrs. Cudaback, Elmer, Bromm, Robinson, Engel, Brashear, Matzke, Hartnett, Willhoft, Preister, Dw. Pedersen, Jones, Coordsen, Wehrbein, Dierks, Tyson, Schrock, Raikes, Lynch, Wickersham, D. Pederson, Schellpeper, and Mmes. Hillman, Robak, Bohlke, Hudkins, C. Peterson, Stuhr, and Ms. Schimek filed the following motion to LB 695A:

That LB 695A become law notwithstanding the objections of the Governor.

## RESOLUTION

**LEGISLATIVE RESOLUTION 481.** Introduced by Wesely, 26.

WHEREAS, Nebraska Advocacy Services has been a strong advocate for people with developmental, mental, or physical disabilities for twenty years; and

WHEREAS, Nebraska Advocacy Services has secured human and legal

rights for thousands of Nebraskans in need while promoting individual dignity, personal empowerment, and full participation in Nebraska society; and

WHEREAS, Nebraska Advocacy Services has been successful in ensuring that the Legislature recognize the rights and needs of Nebraska citizens with physical and mental disabilities; and

WHEREAS, Nebraska Advocacy Services has successfully adapted to the expansion of its advocacy and protection roles under the federal Developmental Disabilities Assistance and Bill of Rights Act, the federal Protection and Advocacy for Mentally Ill Individuals Act of 1986, and the advocacy of individual rights under the federal Rehabilitation Act of 1973; and

WHEREAS, Nebraska Advocacy Services has been designated as the protection advocacy system for Nebraska by Governors Exon, Kerrey, Orr, and Nelson.

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

1. That the Legislature hereby recognizes Nebraska Advocacy Services for providing twenty years of outstanding advocacy efforts in protecting the human and legal rights of Nebraskans with disabilities and commends Nebraska Advocacy Services for its efforts on behalf of the people of the State of Nebraska.

Laid over.

## VISITORS

Visitors to the Chamber were 65 eighth grade students and teachers from Columbus; members of The Nebraska Federation of Republican Women from across the state; Kim Novotny, Stephanie Turman, and Megan Gilbride; 25 fourth grade students and teacher from Plainview Elementary School; Gustavo Oberto from the Province of Cordoba, Argentina; 19 third and fourth grade students and teacher from Morse Bluff; Sandra Ellefson, Nancy Johnson, and Gail Ferris from Central City; Mayor Mick Mines and Jim Taylor from Blair and Rich Steits from Lincoln; 12 students and teachers from Sidney High School; students and teacher from West Point Central Catholic government class; 50 fourth grade students and teachers from Cardinal Elementary School, South Sioux City; Gabe and Danny Lenners, Alisa Bauerler, Connor, Craig, and Keri Dewalt from Imperial; and Senator Schrock's mother, Eileen, his aunt and cousin, Marge Miller and Sheila Tringe, from Holdrege.

## RECESS

At 11:58 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Vrtiska presiding.

## ROLL CALL

The roll was called and all members were present except Mr. Janssen who was excused; and Mmes. Bohlke, Brown, Hillman, Kiel, Robak, Suttle, Messrs. Schmitt, and Tyson who were excused until they arrive.

## SPEAKER KRISTENSEN PRESIDING

### WITHDRAW - Amendments to LB 512

Messrs. Will and Wesely withdrew their amendments, AM4163 and AM4310, found on pages 1463 and 1606, to LB 512.

Mr. Will withdrew his amendment, AM4329, found on page 1657 to LB 512.

### MOTION - Return LB 512 to Select File

Mr. Wickersham moved to return LB 512 to Select File for the Wickersham-Coordsen specific amendment, AM4401, found on page 1813.

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

The Wickersham motion to return prevailed with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 512.** The Wickersham-Coordsen specific amendment, AM4401, found on page 1813, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

### MOTION - Return LB 512 to Select File

Mr. Will moved to return LB 512 to Select File for the following specific amendment:
AM4506

(Amendments to Final Reading copy)

1. Strike sections 1 to 6 and insert the following sections:

"Section 1. Section 23-3403, Reissue Revised Statutes of Nebraska, is amended to read:

23-3403. The public defender may appoint for such periods and at such salaries or compensation, with the approval of the county board, as many assistant public defenders, who shall be attorneys licensed to practice law in this state, secretaries, law clerks, investigators, and other employees as are reasonably necessary to permit him or her to effectively and competently represent the clients of the office. The public defender, with the approval of the county board, ~~subject to the approval and consent of the county board which~~ shall fix the ~~compensation of all such persons as well as the~~ budget for office space, furniture, furnishings, fixtures, supplies, law books, court costs, and brief-printing, investigative, expert, travel, and other miscellaneous expenses reasonably necessary to enable the public defender to effectively and competently represent the clients of the office.

Sec. 2. Section 43-284, Revised Statutes Supplement, 1997, is amended to read:

43-284. When any juvenile is adjudged to be under subdivision (3) or (4) of section 43-247, the court may permit such juvenile to remain in his or her own home subject to supervision or may make an order ~~committing the juvenile to (1) the care of some~~ placing the care and custody of the juvenile with (1) a suitable institution, (2) ~~inpatient or outpatient treatment at~~ a mental health facility or mental health program for inpatient or outpatient treatment, (3) ~~the care of some~~ a reputable citizen of good moral character, (4) ~~the care of some~~ an association willing to receive the juvenile embracing in its objects the purpose of caring for or obtaining homes for such juveniles, which association is ~~shall have been~~ accredited as provided in section 43-296, (5) ~~the care of~~ a suitable family, or (6) ~~the care and custody of~~ the Department of Health and Human Services.

Under subdivision (1), (2), (3), (4), or (5) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, education, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, education, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until suitable provisions may be made for the juvenile without such payment. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund.

The amount to be paid by a county for education pursuant to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed and shall be paid only for education in kindergarten through grade twelve.

The court may enter a dispositional order removing a juvenile from his or her home only upon a written determination

that continuation in the home would be contrary to the welfare of such juvenile and that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from his or her home and to make it possible for the juvenile to return.

Sec. 3. Section 43-286, Revised Statutes Supplement, 1996, is amended to read:

43-286. Notwithstanding the provisions of sections 43-251 and 43-253 to 43-257, no juvenile shall be confined in any jail as a disposition of the court. When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247:

(1) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged when the same is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(a) Place the juvenile on probation subject to the supervision of a probation officer;

(b) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer; or

(c) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.

Under subdivision (1)(a), (1)(b), or (1)(c) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the juvenile without such payment. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund;

(2) Except as provided in section 43-287, the court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be committed to the Youth Rehabilitation and Treatment Center-Geneva or to the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter;

(3) When a juvenile is placed on probation or under the

supervision of the court and it is alleged that the juvenile is again a juvenile as defined by subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications; or

(4) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(a) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(b) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations set forth pursuant to subdivision (4)(a) of this section. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(c) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversary criminal trial;

(d) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with subdivisions (4)(b) and (4)(c) of this section;

(e) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period

of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered or, in the case of the juvenile adjudicated to be within the definitions of subdivision (3)(b) of section 43-247, the court, after considering the dispositions available, may in addition commit such juvenile to the Office of Juvenile Services under section 43-287; and

(f) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 4. Section 43-290, Revised Statutes Supplement, 1996, is amended to read:

43-290. It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or subsequent to adjudication, shall be in the nature of a disposition hearing.

At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile, which amount ordered paid shall be the extent of the liability of the parent. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay, and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other sources. Support thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the

availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of the parent. If the parent willfully fails or refuses to pay the sum ordered or to pay over any health care plan benefit sums received, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile. The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

If the juvenile has been committed to the care and custody of the Department of Health and Human Services, the department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's parent.

If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the study or treatment shall be paid, when approved by an order of the court, out of a fund which shall be appropriated by the county in which the petition is filed. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of the expenditures from such fund.

The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 5. Section 43-2,101, Revised Statutes Supplement, 1996, is amended to read:

43-2,101. Unless otherwise ordered by the court pursuant to section 43-290, each county shall bear all the expenses incident to the transportation of each juvenile from such county to the Department of Health and Human Services, together with such fees and costs as are allowed by law in similar cases. The fees, costs, and expenses shall be paid from the county treasury upon itemized vouchers certified by the judge of the juvenile court. The Department of Health and Human Services Finance and Support shall reimburse the county on a monthly basis for fifty percent of such expenditures.

Sec. 6. Any county required to appropriate or expend funds pursuant to section 43-284, 43-286, 43-290, or 43-2,101 shall be entitled to reimbursement from the Department of Health and Human Services Finance and Support on a monthly basis for fifty

percent of the expenditures made pursuant to such sections.

Sec. 7. This act becomes operative on July 1, 1998.

Sec. 8. 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. 9. Original section 23-3403, Reissue Revised Statutes of Nebraska, sections 43-286, 43-290, and 43-2,101, Revised Statutes Supplement, 1996, and section 43-284, Revised Statutes Supplement, 1997, are repealed.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "juveniles" in line 1 through line 5 and insert "county expenditures; to amend section 23-3403, Reissue Revised Statutes of Nebraska, sections 43-286, 43-290, and 43-2,101, Revised Statutes Supplement, 1996, and section 43-284, Revised Statutes Supplement, 1997; to change provisions relating to public defender appointment and juvenile placement and transportation costs; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.".

**PRESIDENT ROBAK PRESIDING**

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The Will motion to return prevailed with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to reconsider the vote on the Will motion to return LB 512 to Select File.

Messrs. Maurstad and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 23:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hartnett | Pedersen, Dw. | Robinson | Thompson |
| Brashear | Jensen | Pederson, D. | Schimek | Tyson |
| Chambers | Kristensen | Peterson, C. | Schmitt | Wickersham |
| Crosby | Lynch | Raikes | Schrock | Willhoft |
| Engel | Maurstad | Robak | | |

Voting in the negative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Bromm | Bruning | Coordsen | Cudaback |

| | | | | |
|---|---|---|---|---|
| Elmer | Hudkins | Matzke | Suttle | Will |
| Hilgert | Jones | Stuhr | Wesely | Witek |
| Hillman | Landis | | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Beutler | Kiel | Schellpeper | Vrtiska | Wehrbein |
| Brown | Preister | | | |

Excused and not voting, 2:

| | |
|---|---|
| Dierks | Janssen |

The Chambers motion to reconsider failed with 23 ayes, 17 nays, 7 present and not voting, and 2 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 512.** The Will specific amendment, AM4506, found in this day's Journal, was renewed.

Pending.

## UNANIMOUS CONSENT - Member Excused

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

## MOTION - Return LB 1362 to Select File

Mr. Abboud moved to return LB 1362 to Select File for his specific amendment, AM4313, found on page 1611.

The Abboud motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 1362.** The Abboud specific amendment, AM4313, found on page 1611, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

## MOTION - Return LB 1035 to Select File

Mr. Landis moved to return LB 1035 to Select File for his specific amendment, AM3791, printed separately and referred to on page 1060.

The Landis motion to return prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 1035.** The Landis specific amendment, AM3791, printed separately and referred to on page 1060, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

## UNANIMOUS CONSENT - Members Excused

Mrs. Crosby and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

## WITHDRAW - Amendments to LB 1035

Mrs. Brown withdrew her amendment, AM3691, found on page 1088, to LB 1035.

Mrs. Hillman withdrew her amendment, FA659, found on page 1504, to LB 1035.

## WITHDRAW - Amendments to LB 422

Mr. Chambers withdrew his amendments, AM1578 through AM1599 and FA180, found on pages 1577 through 1581, First Session, 1997, to LB 422.

## WITHDRAW - Motions to LB 422

Mr. Chambers withdrew his motions, found on pages 1579 and 1581, First Session, 1997, to LB 422.

## WITHDRAW - Amendments to LB 422

Mr. Will withdrew his amendments, AM1559 and AM1558, found on pages 1581 and 1582, First Session, 1997, to LB 422.

Mr. Hilgert withdrew his amendments, FA174, FA175, and FA177, found on pages 1582 and 1583, First Session, 1997, to LB 422.

Ms. Schimek withdrew her amendments, FA182 and AM1564, found on page 1582, First Session, 1997, to LB 422.

Mr. Lynch withdrew his amendments, AM1563 and AM1560, found on

page 1582, First Session, 1997, to LB 422.

Mrs. Kiel withdrew her amendments, FA178 and FA179, found on page 1583, First Session, 1997, to LB 422.

Mr. Matzke withdrew his amendment, AM1529, found on page 1583, First Session, 1997, to LB 422.

## MOTION - Return LB 422 to Select File

Mr. Chambers moved to return LB 422 to Select File for the following specific amendment:
FA747
Second Final Reading Copy
Page 2, strike lines 7-26.

The Chambers motion to return prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 422.** The Chambers specific amendment, FA747, found in this day's Journal, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

## SELECT COMMITTEE REPORTS
### Enrollment and Review

### Correctly Engrossed

The following bills were correctly engrossed: LBs 1129, 1266, 1293, and 1293A.

### Enrollment and Review Change to LB 1129

The following changes, required to be reported for publication in the Journal, have been made:
ER9162
1. Sections have been renumbered, the repealer has been amended, and internal references have been corrected to incorporate all adopted amendments.
2. In the Matzke amendment, AM4123, on page 1, line 8, "and" has been inserted after the stricken comma.
3. In the Tyson amendment, FA745, on page 1, line 20, the new matter has been struck and the stricken matter has been reinstated.
4. In the Jensen amendment, AM4461, on page 2, line 7, "and" has been inserted after the semicolon.

5. On page 1, the matter beginning with "state" in line 1 through line 9 and all amendments thereto have been struck and "government; to amend sections 18-412.01, 70-637, 72-724, 72-725, 72-727 to 72-729.01, 81-173, 81-178, 81-187, 81-1108.10, 81-1108.26, 81-1114, 81-1114.01, 81-1712, and 81-1713, Reissue Revised Statutes of Nebraska, and sections 79-10,105, 81-174, 81-1108.43, and 81-1118, Revised Statutes Supplement, 1997; to change provisions relating to bidding requirements for municipalities and public power districts, the Nebraska Hall of Fame Commission, the Deferred Building Renewal Act, utilities, capital construction, and professional services contracts; to provide for energy financing contracts; to rename a bureau of the Department of Administrative Services; to provide for interfund borrowing and transfers of funds; to create the Governor's Residence Advisory Commission; to appropriate funds; to create the State College Facility Fee Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

**Enrollment and Review Change to LB 1266**

The following changes, required to be reported for publication in the Journal, have been made:
ER9163

1. On page 1, the matter beginning with "capital" in line 1 through line 4 and all amendments thereto have been struck and "crimes and punishments; to amend section 28-105.01, Reissue Revised Statutes of Nebraska, and sections 28-105 and 28-201, Revised Statutes Supplement, 1997; to change penalties for certain felonies; to provide an exemption from capital punishment for persons with mental retardation; to change provisions relating to criminal attempt; and to repeal the original sections." inserted.

**Enrollment and Review Change to LB 1293**

The following changes, required to be reported for publication in the Journal, have been made:
ER9165

1. In the Hartnett amendment, AM4493, on page 1, line 13, "and" has been struck.

2. On page 1, line 5, "to provide operative dates; to provide severability;" has been inserted after the second semicolon.

(Signed) Jon C. Bruning, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 482.** Introduced by Hudkins, 21; Raikes, 25.

WHEREAS, Mrs. Susan Schrader's team of six eighth-grade students from Raymond Central Junior High School, comprised of Nicholas Bordovsky,

Jonathan Bouc, Michael Comstock, Scott Jambor, Spencer Nelson, and Christopher Richman, won the Junior High Division of the statewide "Odyssey of the Mind" Finals Competition held on April 4th, 1998, at the University of Nebraska in Kearney, Nebraska; and

WHEREAS, Mrs. Schrader's eighth-grade team from Raymond Central Junior High School has qualified to represent the State of Nebraska in the Junior High Division of the "Odyssey of the Mind" World Finals Competition to be held in Orlando, Florida, on May 26 through May 31, 1998; and

WHEREAS, Mrs. Schrader and the members of her eighth-grade team from Raymond Central Junior High School deserve both congratulations on their impressive victory and good wishes for their upcoming participation in the "Odyssey of the Mind" World Finals Competition.

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

1. That the Legislature congratulates Mrs. Schrader and the members of her eighth-grade team from Raymond Central Junior High School.

2. That the Legislature wishes the members of Raymond Central Junior High School's eighth-grade team and Mrs. Schrader the best of luck for their upcoming national competition.

3. That a copy of this resolution be sent to Raymond Central Junior High School and Mrs. Susan Schrader.

Laid over.

## ATTORNEY GENERAL'S OPINIONS

Opinion No. 98022

| | |
|---|---|
| DATE: | April 8, 1998 |
| SUBJECT: | Constitutionality of LB 1126, the Buffer Strip Act; Unconstitutional Delegation of Legislative Authority to the Nebraska Pesticide Board |
| REQUESTED BY: | Senator John A. Hilgert<br>Nebraska State Legislature |
| WRITTEN BY: | Don Stenberg, Attorney General<br>Dale A. Comer, Assistant Attorney General |

You presented your opinion request regarding the constitutionality of LB 1126 to us late in the day on April 7, 1998, and it is our understanding that the bill will be considered by the Legislature on Final Reading sometime during the day on April 8, 1998. Obviously, the short time frame surrounding your opinion request provides us with little opportunity for detailed research regarding the question you presented and little time for consideration of the issues involved. Therefore, while we will accommodate your late request, our opinion must necessarily be brief.

LB 1126 creates the Buffer Strip Act. The bill pertains to the creation of buffer strips around cultivated land for the purpose of reducing the levels of pesticides and other materials introduced into surface water resources so as to improve water quality. The bill provides for the establishment of a Buffer Strip Incentive Fund and for various procedures whereby persons who wish to create a buffer strip around their property may apply to a natural resources district and the Department of Agriculture (the"Department") to do so. Persons establishing buffer strips under this procedure can be eligible for payments from the Buffer Strip Incentive Fund. The Department is specifically required to promulgate rules and regulations for the "enforcement and administration" of the Buffer Strip Act by Section 11 of the bill.

Section 4 of LB 1126 also creates the Nebraska Pesticide Board "to advise and provide recommendations to the department [of Agriculture] regarding the administration of the Buffer Strip Act, the use of proceeds from the Buffer Strip Incentive Fund, and the approval or disapproval of the buffer strip plan required in section 5 of this act." Section 5 of the bill then provides, in its entirety:

> The department shall devise a statewide buffer strip plan with its priority being the improvement of the quality of the domestic and public water supply. Upon the approval of the board, the department shall submit the plan to the Legislature by December 1, 1998.

Apart from a definition of the Nebraska Pesticide Board in Section 3 of LB 1126, there is no mention of that Board other than the provisions pertaining to the Board found in Sections 4 and 5 of the bill.

In your opinion request letter, you state that LB 1126 appears to delegate authority to the Nebraska Pesticide Board to adopt the statewide buffer strip plan without limitations and standards reasonably adequate, sufficient, and definite to guide the Board in exercising its authority. You then ask, "[p]lease advise at your earliest convenience whether such delegation to the board runs afoul of Nebraska's separation of powers provision, or any other provision which may be applicable due to a study of this topic being done." For the reasons discussed below, we do not believe that the provisions of LB 1126 unconstitutionally delegate legislative authority to the Nebraska Pesticide Board.

The Legislature may not delegate its legislative authority, power, or functions to an administrative or executive authority or to private individuals. ***Bosselman, Inc. v. State***, 230 Neb. 471, 432 N.W.2d 226 (1988); Neb. Const. art. III, § 1 (the Legislative authority of the state shall be vested in the Legislature). However, the Legislature may authorize an administrative or executive department to make rules and regulations to carry out an express legislative purpose, or to completely operate and enforce a law within designated limitations. ***Bosselman, Inc. v. State, supra***. Those designated limitations and the standards by which the powers

granted are to be administered must be clearly and definitely stated in the authorizing act. ***Id.*** Those standards must be reasonably adequate, sufficient, and definite to guide the agency in exercising the power conferred upon it and must enable those affected to know their rights and obligations. ***Id.*** If the Legislature provides reasonable limitations and standards for carrying out delegated duties, there is not an unconstitutional delegation of legislative authority. ***Id.*** The Nebraska Supreme Court has also indicated that the modern tendency is to be more liberal in permitting grants of discretion to an administrative agency in order to facilitate the administration of laws as the complexity of administration and governmental conditions increases. ***State ex rel. Douglas v. Nebraska Mortgage Finance Fund***, 204 Neb. 445, 283 N.W.2d 12 (1979).

Under the standards set out above, we cannot say that the provisions of LB 1126 unconstitutionally delegate legislative authority to the Nebraska Pesticide Board. For one thing, Section 11 of the bill provides directions as to the nature of the rules and regulations which must be promulgated by the Department for administration of the Buffer Strip Act, and presumably those considerations would govern the nature of the statewide buffer strip plan which must be devised by the Department and approved by the Nebraska Pesticide Board. More importantly, however, it is not clear that any act of the Pesticide Board in approving a statewide buffer strip plan under Section 5 of the bill will have any ultimate independent effect. Section 5 of the bill requires that the Nebraska Pesticide Board must approve a buffer strip plan devised by the Department, and upon such approval, "the department shall submit the plan to the Legislature by December 1, 1998." While Section 5 does not state the purpose of that submission, the Legislature is presumably free to take further action with respect to the plan, and the remaining provisions of LB 1126 are silent as to any effect of the statewide plan on the other administrative provisions of the bill. Therefore, we do not believe that LB 1126 involves an unconstitutional delegation of legislative authority in this area since it is not clear that there has even been any delegation of authority to the Nebraska Pesticide Board with respect to the statewide buffer strip plan at issue.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-75-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 98023

DATE: April 7, 1998

SUBJECT: Legality of Prospective Appointments Submitted

to the Legislature by the Governor

REQUESTED BY: Senator Jim Jones
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

Your opinion request has to do with the Governor's ability to make "prospective appointments" to public office which are appointments made in anticipation of a vacancy which will occur in the future. You ask:

> I am requesting an opinion on gubernatorial appointments. The Legislature is confirming re-appointments before a term expires and is filing vacancies with new individuals months in advance of any vacancy, allowing two individuals to be appointed to the same position. Is it legally permissible for the Governor to fill a vacancy before one exists?

For the reasons discussed below, we believe that the Governor can make prospective appointments, so long as those appointments are made for offices where the term of office for the incumbent ends before the conclusion of the Governor's term of office.

Article IV, § 10 of the Nebraska Constitution provides, in pertinent part:

> The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature.

We assume that the gubernatorial appointments referenced in your opinion request are appointments made under authority of this constitutional provision and the numerous Nebraska statutes consistent with it. We also assume, for purposes of this opinion, that the appointments at issue involve appointments necessary as a result of the end of a particular officer's term, and not appointments made necessary by a vacancy in office which has arisen as a result of resignation, death, or otherwise.

Our research has disclosed no Nebraska cases which deal specifically with the legality of prospective appointments. Nor have we found previous opinions from this office which specifically deal with that issue. However, the general rule in other jurisdictions is set out at 67 C.J.S. ***Officers*** § 39:

> The general rule is that a prospective appointment to fill a vacancy sure to occur in a public office, made by an officer who . . . is empowered to fill the vacancy when it arises, is a valid appointment, and vests title to the office in the appointee. . . . An appointment to

> office in anticipation of a vacancy therein is proper only where the officer or body making the appointment is still in office when the vacancy occurs, an officer clothed with the power of appointment to a public office has no right to forestall the rights and prerogatives of his successor by making a prospective appointment to fill an office, the term of which is not to begin until his own term and power to appoint have expired.

The rule is similarly described in 63C Am. Jur. 2d ***Public Officers and Employees*** § 88:

> As a general rule, an appointment cannot be made where no vacancy of office exists. However, this rule does not prevent appointments made in anticipation of a vacancy that ultimately occurs. In this regard, appointments which fill a prospective vacancy in office before the actual vacancy occurs are generally valid; a prospective appointment to fill an anticipated vacancy or one sure to occur in a public office, made by a person or body which, as then constituted, is empowered to fill the vacancy when it arises, is, in the absence of express law forbidding it, a valid appointment, which vests title to the office in the appointee. Or, as otherwise stated, the fact that the incumbent's term has not expired at the time an appointment is made to fill a vacancy in the office does not render the appointment invalid if it is to take effect at the expiration of the incumbent's term and the vacancy will occur during the appointing officer's term of office. . . .
>
> However, an appointment to office in anticipation of a vacancy is good only when the officer making the appointment is still in office when the vacancy occurs. If the term of the appointing body or officer will expire prior to, or the same time as, the vacancy will occur, then no power of prospective appointment exists; in this regard, a public officer or public body having a power of appointment cannot forestall the rights and prerogatives of a successor by making a prospective appointment to fill an office where the appointee's term is not to begin until the appointing power's own term has expired.

The general rule is amply supported by cases from other jurisdictions. ***Mullinax v. Garrison***, 296 S.C. 370, 373 S.E.2d 471 (1988); ***Georgia v. Suruda***, 154 N.J. Super. 439, 381 A.2d 821 (N.J. Super. Ct. Law Div. 1977); ***Tappy v. State of Florida***, 82 S.2d 161 (Fla. 1955); ***State ex rel. La Nasa v. Hickey***, 222 La. 17, 62 S.2d 86 (1952); ***State ex rel. Childs v. O'Leary***, 64 Minn. 207, 66 N.W. 264 (1896). The general rule also appears to have been applied in numerous cases where an appointment was necessitated by the end of an incumbent's term of office rather than by a vacancy in office by death, resignation, or otherwise. ***State ex rel. Norman v. Viebranz***, 19 Ohio St. 3d 146, 483 N.E.2d 1176 (1985); ***State ex rel. Oklahoma Tax Commission v. Mourer***, 596 P.2d 882 (Okla. 1979); ***Board of Education of McCreary County v. Nevels***, 551 S.W.2d 15 (Ky. Ct. App. 1977); ***Faciane v. Bosco***, 236 So.2d 601 (La. Ct. App. 1970).

We believe it likely that our courts would adopt the general rule set out in the authorities discussed above. This is particularly true since the prospective appointment process has apparently been used before in Nebraska. For example, in ***State ex rel. Johnson v. Hagemeister***, 161 Neb. 475, 478, 73 N.W.2d 625, 628 (1955), the Nebraska Supreme Court indicated that then-Governor Robert Crosby had reappointed a member of the Board of Education of the State Normal Schools to that board in October, 1954, for a term of office commencing in January, 1955. In ***Hagemeister***, the Court did not discuss the propriety of that prospective appointment, but it is apparent from the case that the process was used.

Consequently, we believe that the Governor can make prospective appointments for offices where the incumbent's term of office ends at some point in the future, so long as the incumbent's term of office ends before the Governor's term of office.[1] For example, if the term of office for an incumbent member of a state board ends in August, 1998, then Governor Nelson may make a prospective appointment for that office now. On the other hand, if the term of office for that same incumbent member of a state board ends in February, 1999, after the end of Governor Nelson's term of office, then that appointment may not be made prospectively at this time.

Since appointments by the Governor under art. IV, § 10 of the Nebraska Constitution must also be approved by the Legislature, we assume that your opinion request pertaining to the legality of prospective appointments by the Governor also involves the issue of how and when the Legislature is constitutionally required to deal with such appointments. We believe that question is governed by the Legislature's own rules.

We have previously indicated that, in our view, temporary gubernatorial appointments to fill vacancies made under art. IV, § 12 of the Nebraska Constitution must be acted upon by the Legislature at its next session, or the Legislature loses its right to disapprove those appointments. Op. Att'y Gen.

[1] In addition to the provisions of art. IV, § 10 of the Nebraska Constitution, there are numerous Nebraska statutes which deal with the appointment of specific officers by the Governor. We would note that our conclusion with respect to your question regarding the propriety of prospective appointments pertains to the appointment process in general, and might be different to the extent that a particular statute establishes specific appointment procedures and time frames for an appointment to a particular office.

No. 90010 (February 20, 1990); 1973-74 Rep. Att'y Gen. 75 (Opinion No. 56, dated May 21, 1973). On the other hand, we have also indicated that appointments made under art. IV, § 10 of the Nebraska Constitution are not subject to any constitutional provisions which require legislative action at the next session of the legislature. Op. Att'y Gen. No. 90010 (February 20, 1990). Instead, the time frame for approval of appointments under art. IV, § 10 is governed by the Legislature's own rules, since art. III, § 10 of the Nebraska Constitution allows the Legislature to determine the rules of its own proceedings, and this power extends to the transaction of any legislative business and to the performance of any duty conferred upon the Legislature by the Constitution. ***State ex rel. Johnson v. Hagemeister, supra***; Op. Att'y Gen. No. 90010 (February 20, 1990). Therefore, because the appointments at issue are appointments at the end of a term under art. IV, § 10, we believe that the time frames for the legislative appointment approval process, including when and how the appointments are considered, are governed by the rules of the Legislature.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-74-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

## WITHDRAW - Amendment to LB 1219

Mr. Willhoft withdrew his amendment, AM4405, found on page 1754, to LB 1219.

## UNANIMOUS CONSENT - Member Excused

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

## MOTION - Return LB 1219 to Select File

Mrs. Bohlke moved to return LB 1219 to Select File for the following specific amendment:
AM4515

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 16. Section 3, Legislative Bill 1134, Ninety-fifth Legislature, Second Session, is amended to read:

Sec. 3. The Reorganized School Assistance Fund is created. The fund shall receive a transfer of two million dollars from the Cash Reserve Fund on or before September 1, 1998, pursuant to section 84-612. Any money in the Reorganized School Assistance

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 fund shall be used to make base fiscal year incentive payments pursuant to subsection (6) of section 79-1010 and to make transfers to the Cash Reserve Fund.

The State Treasurer shall transfer two million dollars from the General Fund to the Reorganized School Assistance Fund on or before September 1, 1999, and the two million dollars shall be immediately transferred from the Reorganized School Assistance Fund to the Cash Reserve Fund. The Reorganized School Assistance Fund shall terminate on September 2, 1999, and any money remaining in the fund shall revert to the General Fund. ~~It is the intent of the Legislature to reduce the appropriation to the Tax Equity and Educational Opportunities Fund for fiscal year 1999-00 by two million dollars.~~".

2. Renumber the remaining sections accordingly.

The Bohlke motion to return prevailed with 34 ayes, 0 nays, 11 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.

## SELECT FILE

**LEGISLATIVE BILL 1219.** The Bohlke specific amendment, AM4515, found in this day's Journal, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

## MOTION - Return LB 1219A to Select File

Mrs. Bohlke moved to return LB 1219A to Select File for her specific amendment, AM4466, found on page 1762.

The Bohlke motion to return prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 1219A.** The Bohlke specific amendment, AM4466, found on page 1762, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

## CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

## EASE

The Legislature was at ease from 4:03 p.m. until 4:14 p.m.

## MOTION - Return LB 1063 to Select File

Mrs. Brown moved to return LB 1063 to Select File for her specific amendment, AM4001, found on page 1242.

Mrs. Brown withdrew her motion to return.

## WITHDRAW - Amendment to LB 1063

Mrs. Brown withdrew her amendment, AM3889, found on page 1391, to LB 1063.

## UNANIMOUS CONSENT - Member Excused

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

## MOTION - Recommit LB 504 to Committee

Mr. Chambers renewed his pending motion, found on page 1637, to recommit LB 504 to Committee.

Mr. Jensen requested to pass over LB 504.

**MR. HARTNETT PRESIDING**

## SELECT FILE

**LEGISLATIVE BILL 512.** The Will specific amendment, AM4506, found in this day's Journal, was renewed.

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

**MR. ABBOUD PRESIDING**

The Will specific amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to reconsider the vote on the Will amendment.

**MR. ROBINSON PRESIDING**

Mr. Dw. Pedersen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Chambers motion to reconsider prevailed with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

**PRESIDENT ROBAK PRESIDING**

The Will specific amendment, AM4506, found in this day's Journal, was reconsidered.

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

The Will specific amendment, AM4506, lost with 4 ayes, 26 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

## MESSAGES FROM THE GOVERNOR

April 8, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1010, 1134, 1134A, 1228, 1229, 1333, and 1333A were received in my office on April 2, 1998.

These bills were signed by me on April 8, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 8, 1998

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

Dear Madame President, Mr. Speaker
and Members of the Legislature:

With this letter, I am returning LB 1228A with a line-item veto. This legislation also provides for the implementation of an annual statewide assessment beginning in the school year 2000-2001. I am vetoing $1,728,000 General Funds provided by the Legislature for Fiscal Year 1999-00 for carrying out the provisions of the assessment program in LB 1228.

My decision allows the Department of Education time to prepare a Request For Proposal (RFP) and receive bids from national testing services on the cost of potential testing instruments. The department can return to the Legislature with this information and a more precise estimate of the costs for the implementation of this testing program.

I believe the state will benefit from taking more time to collect and review data on the implementation of a statewide assessment before committing the funding for this program.

I encourage you to sustain my line-item reduction of LB 1228A.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 8, 1998

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

Dear Madame President and Senators:

With this letter, I am returning LB 1229A with line-item reductions. I believe LB 1229 is important in increasing quality educational opportunities; however, in lieu of recent increases in funding for education, I recommend appropriating $3,025,500 for FY 1998-99 and $3,092,850 for FY 1999-00 of the funds provided by the Legislature for accelerated and differentiated curriculum programs funded under LB 1229.

I believe that reducing the recommended appropriation of $6,025,500 by $3 million will leave intact adequate funding for local gifted education programs, taking into consideration that additional funding sources exist for these programs. Since FY 1996-97, state aid to schools has increased by $145,445,902, and new spending for education I have supported this year equals $11,725,000.

Under LB 1110A, local school districts and systems may receive assistance from Educational Service Units which received $9.7 million for funding core services including instructional materials. New funding opportunities are also created under LB 1228 funded by the Education Innovation Fund, which allows schools to receive quality incentive payments

which may be spent on programs for high ability learners. Schools may also apply for Education Innovation Fund competitive grants to receive funding to create accelerated and differentiated curriculum programs. Approximately $9.4 million will be available for schools from the Education Innovation Fund for FY 1998-99.

I believe increased educational funding from these sources and my recommendation for funding under LB 1229A will enable schools to provide quality educational opportunities for our state's best and brightest.

I encourage you to sustain my line-item reduction of LB 1229A.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 8, 1998

Madame President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Madame President, Mr. Speaker
and Members of the Legislature:

With this letter, I am returning LB 1120 and LB 1120A with my veto.

The original version of LB 1120 included many worthy provisions to update and improve the statutes governing the operation of fire protection districts. However, that measure was amended by the Government, Military and Veteran Affairs Committee to include a funding mechanism originally introduced as LB 1119. The primary legislation was amended further on the floor of the Legislature to include LB 947, which creates the Task Force for the Nebraska State Radio Communication System.

My objections to LB 1120 are similar to those I have expressed on other legislation. First, the State General Fund is compromised by the redirection of the insurance premium tax receipts for state aid to local fire protection districts. Second, LB 1120 represents a shift of financial responsibility from local governments to the State which will require additional amounts in the future without provisions necessary to deliver on promises of property tax relief.

I urge the members of the Legislature to sustain these vetoes.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

**MOTION - Return LB 512 to Select File**

Mr. Beutler moved to return LB 512 to Select File for the following Beutler-Bromm-Wickersham specific amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM4512.)

Mr. Tyson requested a ruling of the Chair on whether the Beutler et al. amendment is germane to the bill.

The Chair ruled the Beutler et al. amendment is not germane to the bill.

Mr. Beutler moved to suspend Rule 7, Section 3 (d) to permit consideration of AM4512 to LB 512.

Mr. Dw. Pedersen and Mrs. Robak 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 25 ayes, 3 nays, and 21 not voting.

Mr. Maurstad requested a roll call vote, in reverse order, on the Beutler motion to suspend the rules.

Voting in the affirmative, 32:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Hudkins | Preister | Suttle |
| Beutler | Crosby | Jones | Raikes | Thompson |
| Bohlke | Cudaback | Kristensen | Robinson | Wesely |
| Brashear | Elmer | Landis | Schimek | Wickersham |
| Bromm | Hartnett | Maurstad | Schrock | Will |
| Brown | Hilgert | Peterson, C. | Stuhr | Willhoft |
| Chambers | Hillman | | | |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Bruning | Kiel | Pedersen, Dw. | Tyson | Wehrbein |
| Engel | Lynch | Pederson, D. | Vrtiska | Witek |
| Jensen | Matzke | Schellpeper | | |

Present and not voting, 2:

Dierks Schmitt

Excused and not voting, 2:

Janssen Robak

The Beutler motion to suspend the rules prevailed with 32 ayes, 13 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Hilgert moved to reconsider the vote on the Beutler motion to suspend the rules.

Mr. Will 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, 3 nays, and 21 not voting.

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

Mr. Hilgert requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 5:

| | | | | |
|---|---|---|---|---|
| Hilgert | Schellpeper | Schmitt | Tyson | Wehrbein |

Voting in the negative, 32:

| | | | | |
|---|---|---|---|---|
| Beutler | Coordsen | Kiel | Pederson, D. | Stuhr |
| Bohlke | Crosby | Kristensen | Peterson, C. | Thompson |
| Brashear | Cudaback | Landis | Preister | Wesely |
| Bromm | Elmer | Matzke | Raikes | Wickersham |
| Brown | Engel | Maurstad | Robinson | Willhoft |
| Bruning | Hillman | Pedersen, Dw. | Schimek | Witek |
| Chambers | Hudkins | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Dierks | Jensen | Lynch | Suttle | Vrtiska |
| Hartnett | Jones | Schrock | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Abboud | Janssen | Robak | Will |

The Hilgert motion to reconsider failed with 5 ayes, 32 nays, 8 present and not voting, and 4 excused and not voting.

Messrs. Robinson and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler motion to return LB 512 to Select File for the Beutler et al. specific amendment, AM4512, was renewed.

Mr. Beutler requested a roll call vote on his motion to return.

Voting in the affirmative, 26:

| | | | | |
|---|---|---|---|---|
| Beutler | Brown | Crosby | Hillman | Kristensen |
| Bohlke | Chambers | Cudaback | Hudkins | Landis |
| Bromm | Coordsen | Elmer | Jones | Maurstad |

| | | | | |
|---|---|---|---|---|
| Peterson, C. | Schimek | Stuhr | Thompson | Wickersham |
| Preister | Schrock | Suttle | Wesely | Willhoft |
| Raikes | | | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Matzke | Schellpeper | Wehrbein |
| Bruning | Jensen | Pedersen, Dw. | Tyson | Witek |
| Engel | Kiel | Pederson, D. | Vrtiska | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Brashear | Dierks | Hartnett | Schmitt |

Excused and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Janssen | Lynch | Robak | Robinson | Will |

The Beutler motion to return prevailed with 26 ayes, 14 nays, 4 present and not voting, and 5 excused and not voting.

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

## SELECT FILE

**LEGISLATIVE BILL 512.** The Beutler et al. specific amendment, AM4512, on file and referred to in this day's Journal, was considered.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler requested a roll call vote on the Beutler et al. amendment.

Voting in the affirmative, 22:

| | | | | |
|---|---|---|---|---|
| Beutler | Coordsen | Hudkins | Peterson, C. | Thompson |
| Bohlke | Crosby | Kristensen | Preister | Wesely |
| Bromm | Cudaback | Landis | Raikes | Wickersham |
| Brown | Elmer | Maurstad | Schimek | Willhoft |
| Chambers | Hillman | | | |

Voting in the negative, 14:

| | | | | |
|---|---|---|---|---|
| Abboud | Hilgert | Kiel | Pederson, D. | Suttle |
| Bruning | Jensen | Matzke | Schellpeper | Wehrbein |
| Engel | Jones | Pedersen, Dw. | Schmitt | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Brashear | Schrock | Stuhr | Tyson | Vrtiska |
| Dierks | | | | |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Hartnett | Lynch | Robinson | Will | Witek |
| Janssen | Robak | | | |

The Beutler et al. amendment lost with 22 ayes, 14 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a machine vote on the readvancement of the bill.

Failed to advance to E & R for reengrossment with 3 ayes, 25 nays, 14 present and not voting, and 7 excused and not voting.

**MOTION - Return LB 1126 to Select File**

Mrs. Kiel moved to return LB 1126 to Select File for her specific amendment, AM4488, found on page 1819.

Mrs. Kiel withdrew her motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1126.**

A BILL FOR AN ACT relating to natural resources; to amend section 2-2634, Reissue Revised Statutes of Nebraska; to adopt the Buffer Strip Act; to change provisions relating to pesticide registration fees; to create a fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Jones | Pederson, D. | Stuhr |
| Beutler | Crosby | Kiel | Peterson, C. | Suttle |
| Bohlke | Cudaback | Kristensen | Raikes | Thompson |
| Brashear | Dierks | Landis | Schellpeper | Vrtiska |
| Bromm | Elmer | Matzke | Schimek | Wehrbein |
| Brown | Hillman | Maurstad | Schmitt | Wesely |
| Bruning | Hudkins | Pedersen, Dw. | Schrock | Willhoft |
| Chambers | Jensen | | | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Engel | Hilgert | Preister | Tyson | Wickersham |

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Hartnett | Lynch | Robinson | Will | Witek |
| Janssen | Robak | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1126A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1126, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Jensen | Pederson, D. | Suttle |
| Beutler | Cudaback | Jones | Peterson, C. | Thompson |
| Bohlke | Dierks | Kiel | Preister | Tyson |
| Brashear | Elmer | Kristensen | Raikes | Vrtiska |
| Bromm | Engel | Landis | Schimek | Wehrbein |
| Brown | Hilgert | Matzke | Schmitt | Wesely |
| Bruning | Hillman | Maurstad | Schrock | Wickersham |
| Chambers | Hudkins | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | | | | |

Voting in the negative, 0.

Present and not voting, 1:

Schellpeper

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Hartnett | Lynch | Robinson | Will | Witek |
| Janssen | Robak | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## WITHDRAW - Amendment to LB 1041

Mr. Will withdrew his amendment, AM3689, found on page 1066, to LB 1041.

## BILLS ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1041 with 36 ayes, 1 nay, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1041.** With Emergency.

A BILL FOR AN ACT relating to children; to amend sections 30-2209, 30-2608, 43-108, 43-116, 43-160, 43-532, 43-1307, 43-1308, 43-1311, 43-1312, 43-1314, 43-1315, and 43-1316, Reissue Revised Statutes of Nebraska, sections 43-102, 43-104, 43-104.05, 43-105, 43-162 to 43-164, 43-246, 43-254, 43-285, 43-292, 43-533, 43-1303, 43-1318, and 43-1411, Revised Statutes Supplement, 1996, and sections 24-517, 25-2740, 33-107.01, 43-107, 43-113, 43-138, 43-146.11, 43-245, 43-247, 43-284, 43-2,129, 43-504, and 43-1411.01, Revised Statutes Supplement, 1997; to conform state law to the federal Adoption and Safe Families Act of 1997; to change county court and juvenile court jurisdiction; to change guardianship, adoption, juvenile code, assistance, family policy, and foster care provisions; to provide a grant program for county attorney services; 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, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Jones | Peterson, C. | Suttle |
| Beutler | Cudaback | Kiel | Preister | Thompson |
| Bohlke | Dierks | Kristensen | Raikes | Tyson |
| Brashear | Elmer | Landis | Schellpeper | Vrtiska |
| Bromm | Engel | Lynch | Schimek | Wehrbein |
| Brown | Hilgert | Matzke | Schmitt | Wesely |
| Bruning | Hillman | Maurstad | Schrock | Wickersham |
| Chambers | Hudkins | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Jensen | Pederson, D. | | |

Voting in the negative, 0.

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Robak | Robinson | Will | Witek |
| Janssen | | | | |

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.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1041A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1041, Ninety-fifth Legislature, Second Session, 1998; to reduce an appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Kiel | Peterson, C. | Suttle |
| Beutler | Cudaback | Kristensen | Preister | Thompson |
| Bohlke | Dierks | Landis | Raikes | Tyson |
| Brashear | Elmer | Lynch | Schellpeper | Vrtiska |
| Bromm | Engel | Matzke | Schimek | Wehrbein |
| Brown | Hillman | Maurstad | Schmitt | Wesely |
| Bruning | Hudkins | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Jensen | Pederson, D. | Stuhr | Willhoft |
| Coordsen | Jones | | | |

Voting in the negative, 0.

Excused and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Hartnett | Janssen | Robinson | Will | Witek |
| Hilgert | Robak | | | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1073 with 38 ayes, 1 nay, 4 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1073.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 14-402, 15-902, 19-902, 20-139, 20-319, 23-114, 25-2908, 43-255, 43-256, 43-274, 43-275, 43-276, 43-279, 68-1016 to 68-1017.01, 68-1019, 71-1,147.35, 71-1,147.39, 71-1,147.40, 71-1,147.42 to 71-1,147.46, 71-1,147.48 to 71-1,147.51, 71-1,147.53 to 71-1,147.61, 71-519, 71-522, 71-1555, 71-1557 to 71-1563, 71-1565 to 71-1567, 71-1913.01, 71-1913.03, 71-2048.01, 71-3410, 71-4601, 71-4603, 71-4604, 71-4604.01, 71-4606, 71-4608 to 71-4620, 71-5402 to 71-5404, 71-5647, 71-5649, 71-5653, 71-5655, 71-5656, 71-5678, 71-7409, 71-7416, 79-219, 81-5,147 to 81-5,149, 81-657, 81-658, 83-473, 83-4,101, 83-4,102, 83-4,104, and 83-925.01, Reissue Revised Statutes of Nebraska, sections 28-405, 43-246, 43-253, 43-258, 43-281, 43-286, 43-905, 43-1320, 81-1316, 81-3004, 83-472, 83-925.02, and 83-925.12, Revised Statutes Supplement, 1996, and sections 29-2204, 43-245, 43-250, 43-251, 43-2,129, 43-536, 43-2624, 48-647, 68-1070, 71-1,142, 71-1,147.41, 71-520, 71-523, 71-604.05, 71-1564, 71-1913.02, 71-2017.01, 71-2024, 71-20,117, 71-2610.01, 71-3406, 71-5176, 71-5184, 83-107.01, 83-901, 83-925.06, 83-925.07, and 83-925.13, Revised Statutes Supplement, 1997; to change provisions relating to manufactured homes, housing standards, controlled substances, juvenile justice, child care reimbursement and program grants, food stamps, medical assistance, pharmacy and drug product selection, drug dispensing and distributing, metabolic diseases, birth certificates, modular housing units, immunization reporting, home health agencies, hospital clinical privileges, assisted-living facilities, emergency care providers, the State Child Death Review Team, rural health services, the brain injury registry, state personnel system provisions, and a health and human services system report; to provide for juvenile offender and victim mediation in certain cases, self-insurance of foster parent programs, petty cash funds, permits for dialysis drug or device distributors, credentialing of certain facilities, and access to the state health insurance program; to adopt the Health and Human Services, Office of Juvenile Services Act; to provide and change penalty provisions; to create funds; to create a task force and provide for a study; to change and transfer regulatory duties; to eliminate provisions relating to juvenile justice and rubella immunizations; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 83-465, 83-467 to 83-471, 83-473.01, 83-474.01, 83-487, 83-4,103, 83-925.04, and 83-925.08 to 83-925.11, Reissue Revised Statutes of Nebraska, sections 42-121, 43-287, and 83-925.03, Revised Statutes Supplement, 1996, and section 83-925.05, Revised Statutes Supplement, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Peterson, C. | Suttle |
| Beutler | Cudaback | Jones | Preister | Thompson |
| Bohlke | Dierks | Kiel | Raikes | Tyson |
| Brashear | Elmer | Landis | Schellpeper | Vrtiska |
| Bromm | Engel | Lynch | Schimek | Wehrbein |
| Brown | Hilgert | Matzke | Schmitt | Wesely |
| Bruning | Hillman | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Hudkins | Pederson, D. | Stuhr | Willhoft |
| Coordsen | | | | |

Voting in the negative, 2:

| | |
|---|---|
| Kristensen | Maurstad |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Robak | Robinson | Will | Witek |
| Janssen | | | | |

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 bill was read and put upon final passage:

**LEGISLATIVE BILL 1073A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1073, Ninety-fifth Legislature, Second Session, 1998; to reduce an appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Jones | Peterson, C. | Suttle |
| Beutler | Dierks | Kiel | Preister | Thompson |
| Bohlke | Elmer | Kristensen | Raikes | Tyson |
| Brashear | Engel | Landis | Schellpeper | Vrtiska |
| Bromm | Hilgert | Lynch | Schimek | Wehrbein |
| Brown | Hillman | Matzke | Schmitt | Wesely |
| Bruning | Hudkins | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Jensen | Pederson, D. | Stuhr | Willhoft |
| Coordsen | | | | |

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Maurstad

Excused and not voting, 6:

Hartnett Robak Robinson Will Witek Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1161 with 40 ayes, 1 nay, 2 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1161.** With Emergency.

A BILL FOR AN ACT relating to the environment; to amend sections 66-482, 66-486, 66-4,141, 66-4,143, 66-678, 66-680, 66-681, 66-6,113, 66-713, 66-1501, 66-1519, 66-1519.01, 66-1520, 66-1523, 66-1525, 66-1529.01, 66-1529.02, 81-8,297, 81-8,299, 81-8,301, 81-15,121, 81-15,124, and 87-112, Reissue Revised Statutes of Nebraska, sections 46-656.29, 81-15,117, 81-15,119, 81-15,120, 81-15,124.01, 81-15,189, and 81-15,190, Revised Statutes Supplement, 1996, and sections 32-608, 66-4,144, 66-718, 66-1518, 66-1521, 81-15,162.02, and 87-209, Revised Statutes Supplement, 1997; to create a well measuring device cost-sharing program; to adopt the Wellhead Protection Area Act and the Geologists Regulation Act; to change provisions relating to water well permits; to provide for weather modification programs; to change motor fuel tax provisions; to change provisions relating to the Petroleum Release Remedial Action Act, the Petroleum Products and Hazardous Substances Storage and Handling Act, and the Scrap Tire Reduction and Recycling Incentive Fund; to provide powers and duties; to eliminate provisions relating to weather control and a fee; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 2-2428 to 2-2449 and 66-1522, 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 | Crosby | Jensen | Peterson, C. | Suttle |
| Beutler | Cudaback | Jones | Preister | Thompson |
| Bohlke | Dierks | Kiel | Raikes | Tyson |
| Brashear | Elmer | Landis | Schellpeper | Vrtiska |
| Bromm | Engel | Lynch | Schimek | Wehrbein |
| Brown | Hilgert | Matzke | Schmitt | Wesely |
| Bruning | Hillman | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Hudkins | Pederson, D. | Stuhr | Willhoft |
| Coordsen | | | | |

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Maurstad

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Robak | Robinson | Will | Witek |
| Janssen | | | | |

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 bill was read and put upon final passage:

**LEGISLATIVE BILL 1161A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1161, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Jensen | Peterson, C. | Suttle |
| Beutler | Crosby | Jones | Preister | Thompson |
| Bohlke | Cudaback | Kiel | Raikes | Tyson |
| Brashear | Dierks | Landis | Schellpeper | Vrtiska |
| Bromm | Elmer | Lynch | Schimek | Wehrbein |
| Brown | Engel | Matzke | Schmitt | Wesely |
| Bruning | Hilgert | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Hudkins | Pederson, D. | Stuhr | Willhoft |

Voting in the negative, 0.

Present and not voting, 3:

Hillman Kristensen Maurstad

Excused and not voting, 6:

Hartnett Robak Robinson Will Witek
Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1191 with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1191.**

A BILL FOR AN ACT relating to retirement; to amend sections 2-1608, 2-3228, 12-101, 13-2401, 14-1802, 14-1804, 14-1806, 14-1809 to 14-1811, 14-1814, 14-1822, 14-1826, 14-2111, 15-1017, 16-1017, 16-1033, 16-1037, 19-3501, 23-1118, 23-2301, 23-2306, 23-2308, 23-2312, 23-2317.01, 23-2319, 23-2323.01, 23-2325, 23-2331, 23-2333, 23-3526, 24-705, 24-711, 79-905, 79-926, 79-947.02, 79-949, 79-967, 79-987, 79-9,100, 84-1305.01, 84-1319.01, 84-1327, and 84-1513, Reissue Revised Statutes of Nebraska, sections 42-1108, 50-438, 84-1308, and 84-1503, Revised Statutes Supplement, 1996, and sections 24-701.01, 79-901, 79-902, 79-916, 79-922, 79-933.03, 79-933.05, 79-951, 79-955, 79-958, 79-9,113, 81-2014.01, 81-2016, 84-1301, 84-1307, 84-1331, 84-1504, and 84-1505, Revised Statutes Supplement, 1997; to require actuarial and financial analyses and reports; to change provisions relating to retirement funds, benefits, service credits, contributions, liability, records, investments, claims, and penalties; to provide and change powers and duties; to redefine terms; to change and eliminate provisions relating to members' accounts; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 16-1026, 23-2310.01, 23-2310.02, and 23-2335, Reissue Revised Statutes of Nebraska, and sections 24-703.01, 24-703.02, 79-936, 79-937, 81-2027.01, 81-2027.02, 84-1311.01, 84-1311.02, and 84-1503.01, Revised Statutes Supplement, 1997.

Whereupon the 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 | Jones | Peterson, C. | Suttle |
| Beutler | Cudaback | Kiel | Preister | Thompson |
| Bohlke | Dierks | Kristensen | Raikes | Tyson |
| Brashear | Elmer | Landis | Schellpeper | Vrtiska |
| Bromm | Engel | Lynch | Schimek | Wehrbein |
| Brown | Hilgert | Matzke | Schmitt | Wesely |
| Bruning | Hillman | Maurstad | Schrock | Wickersham |
| Chambers | Hudkins | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Jensen | Pederson, D. | | |

Voting in the negative, 0.

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Robak | Robinson | Will | Witek |
| Janssen | | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1191A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1191, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Jones | Peterson, C. | Suttle |
| Beutler | Cudaback | Kiel | Preister | Thompson |
| Bohlke | Dierks | Kristensen | Raikes | Tyson |
| Brashear | Engel | Landis | Schellpeper | Vrtiska |
| Bromm | Hilgert | Lynch | Schimek | Wehrbein |
| Brown | Hillman | Matzke | Schmitt | Wesely |
| Bruning | Hudkins | Pedersen, Dw. | Schrock | Wickersham |
| Chambers | Jensen | Pederson, D. | Stuhr | Willhoft |
| Coordsen | | | | |

Voting in the negative, 0.

Present and not voting, 2:

| | | | | |
|---|---|---|---|---|
| Elmer | Maurstad | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Robak | Robinson | Will | Witek |
| Janssen | | | | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## WITHDRAW - Amendment to LB 1015

Mr. Landis withdrew his amendment, AM3525, found on page 920, to LB 1015.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1015.** With Emergency.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 21-1916, Reissue Revised Statutes of Nebraska, and section 49-801.01, Revised Statutes Supplement, 1997; to change provisions relating to references to the code; 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 | Jones | Peterson, C. | Suttle |
| Beutler | Cudaback | Kiel | Preister | Thompson |
| Bohlke | Dierks | Kristensen | Raikes | Tyson |
| Brashear | Elmer | Landis | Schellpeper | Vrtiska |
| Bromm | Engel | Lynch | Schimek | Wehrbein |
| Brown | Hilgert | Matzke | Schmitt | Wesely |
| Bruning | Hillman | Maurstad | Schrock | Wickersham |
| Chambers | Hudkins | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Jensen | Pederson, D. | | |

Voting in the negative, 0.

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Robak | Robinson | Will | Witek |
| Janssen | | | | |

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 656.** With Emergency.

A BILL FOR AN ACT relating to natural resources; to amend section 2-1588, Reissue Revised Statutes of Nebraska; to state intent; to define a term; to provide for funding for the operation of the Niobrara Scenic River Local Management Council; to provide powers and duties; to change project eligibility requirements for assistance from the Nebraska Resources Development 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, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Jones | Peterson, C. | Suttle |
| Beutler | Cudaback | Kiel | Preister | Thompson |
| Bohlke | Dierks | Kristensen | Raikes | Tyson |
| Brashear | Elmer | Landis | Schellpeper | Vrtiska |
| Bromm | Engel | Lynch | Schimek | Wehrbein |
| Brown | Hilgert | Matzke | Schmitt | Wesely |
| Bruning | Hillman | Maurstad | Schrock | Wickersham |
| Chambers | Hudkins | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Jensen | Pederson, D. | | |

Voting in the negative, 0.

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Robak | Robinson | Will | Witek |
| Janssen | | | | |

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 656A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 656, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Jones | Peterson, C. | Suttle |
| Beutler | Cudaback | Kiel | Preister | Thompson |
| Bohlke | Dierks | Kristensen | Raikes | Tyson |
| Brashear | Elmer | Landis | Schellpeper | Vrtiska |
| Bromm | Engel | Lynch | Schimek | Wehrbein |
| Brown | Hilgert | Matzke | Schmitt | Wesely |
| Bruning | Hillman | Maurstad | Schrock | Wickersham |
| Chambers | Hudkins | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Jensen | Pederson, D. | | |

Voting in the negative, 0.

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Hartnett | Robak | Robinson | Will | Witek |
| Janssen | | | | |

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 1126, 1126A, 1041, 1041A, 1073, 1073A, 1161, 1161A, 1191, 1191A, 1015, 656, and 656A.

## SELECT COMMITTEE REPORTS
## Enrollment and Review

### Correctly Reengrossed

The following bills were correctly reengrossed: LBs 422, 1035, 1219, 1219A, and 1362.

### Correctly Engrossed

The following bills were correctly engrossed: LBs 218, 1174, 1174A, 1321, 1321A, 1354, and 1354A.

### Enrollment and Review Change to LB 218

The following changes, required to be reported for publication in the Journal, have been made:
ER9167

1. In the E & R amendment, AM7261:

a. On page 1, line 6, "sections 6 and 7 of this act (including harassment protection orders and valid foreign harassment protection orders)," has been inserted after "under"; and the new matter in lines 7 through 9 has been struck;

b. On page 15, line 14, "(5)" has been struck, shown as stricken, and "(4)" inserted;

c. On page 20, line 11, "putative" has been struck and "putatively" inserted; in line 26 "section" has been struck and "crimes" inserted; and in line 27 "law; to amend" has been inserted before "sections"; and

d. On page 21, line 6, "to provide a penalty;" has been inserted after the semicolon.

**Enrollment and Review Change to LB 422**
**(Final Reading second)**

The following changes, required to be reported for publication in the Journal, have been made:
ER9166

1. In lieu of the Chambers amendment, FA747, sections 1 and 3 have been struck and the following new section inserted:

"Sec. 2. Original section 29-2523, Reissue Revised Statutes of Nebraska, is repealed.".

2. Section 2 has been renumbered as section 1.

3. On page 1, the matter beginning with "sections" in line 1 through line 6 has been struck and "section 29-2523, Reissue Revised Statutes of Nebraska; to change the definition of aggravating circumstances; and to repeal the original section." inserted.

**Enrollment and Review Change to LB 1035**
**(Final Reading second)**

The following changes, required to be reported for publication in the Journal, have been made:
ER9168

1. References to "effective date of this act" have been changed to "operative date of this section".

2. In the Landis amendment, AM3791, on page 13, line 13, "act" has been struck and "Unfair Discrimination Against Subjects of Abuse in Insurance Act" inserted.

**Enrollment and Review Change to LB 1219**
**(Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER9169

1. In the Bohlke amendment, AM4515, on page 1, line 3, "1998," has been inserted after the second comma.

2. On page 1, line 3; and page 38, line 12, "and" has been struck.

3. On page 1, line 5, ", and section 3, Legislative Bill 1134, Ninety-fifth Legislature, Second Session, 1998" has been inserted after "1997"; and in line 11 "to eliminate provisions relating to legislative intent

with respect to appropriations;" has been inserted after the first semicolon.

4. On page 38, line 14, "and section 3, Legislative Bill 1134, Ninety-fifth Legislature, Second Session, 1998," has been inserted before "are".

**Enrollment and Review Change to LB 1219A**
**(Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER9170

1. On page 2, line 9, "21" has been struck and "22" inserted.

**Enrollment and Review Change to LB 1321**

The following changes, required to be reported for publication in the Journal, have been made:
ER9164

1. In the Brashear amendment, AM4384, section 86 has been renumbered as section 78.

2. In the Landis amendment, AM4460, on page 4, line 19, "21-17,155" has been struck and "21-17,115" inserted.

3. In the E & R amendments, AM7256, on page 128, line 20, ", 30-3209," has been inserted after "28-612".

(Signed) Jon C. Bruning, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 1070. No objections. So ordered.

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 1104. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Kathleen Jorgensen from Ewing and Dolores Ruzicka from Verdigre; Senator Robinson's sister-in-law, Arlene Schurr from Norfolk, grandson, Eric Stepp, and Nate Ward; 35 fourth grade students and teachers from Yutan; Senator Jensen's sisters, Lois Eaton, Mary Ann Nielsen, and Loraine Hooks; Jessica Pedersen and Betty Babcock from Scotia; and Senator Schellpeper's son, daughter-in-law, and grandsons, Jeff, Kathy, Andrew, and Eric Schellpeper, from Lincoln.

## ADJOURNMENT

At 9:43 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, April 9, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# FIFTY-NINTH DAY - APRIL 9, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 9, 1998

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

## PRAYER

The prayer was offered by Pastor Phillip Hayes, Crestwood Christian Church, Lincoln, Nebraska.

## ROLL CALL

The roll was called and all members were present except Messrs. Hilgert and Janssen who were excused; and Messrs. Abboud, Elmer, Landis, Will, Willhoft, Mmes. Bohlke, Brown, and Kiel who were excused until they arrive.

**PRESIDENT ROBAK PRESIDING**

## CORRECTIONS FOR THE JOURNAL

Page 1825, line 38, strike "The Appropriations Committee" and insert "Mr. Wehrbein".
The Journal for the fifty-seventh day was approved as corrected.
The Journal for the fifty-eighth day was approved.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1998, at 10:45 p.m., were the following bills: LBs 1126, 1126A, 1041, 1041A, 1073, 1073A, 1161, 1161A, 1191, 1191A, 1015, 656, and 656A.

(Signed) Diana Bridges
Clerk of the Legislature's Office

## REPORTS

The following reports were received by the Legislature:

**Auditor of Public Accounts**

Department of Economic Development - Program 603 - Development and Training
Foster Care Review Board
State Historical Society
University of Nebraska - Lincoln Transportation Services
Office of the Secretary of State
Department of Revenue - Program 504 - Charitable Gaming
Department of Revenue - Charitable Gaming Division - Petty Cash Fund
Department of Administrative Services - Division of Risk Management - State Employees Insurance Fund 6892
State Patrol - Investigative and Auto Theft Cash Funds
University of Nebraska

**Claims Board, State**
Risk Management/State Claims Board Reports of Claims and Judgments paid from July 1, 1996 to June 30, 1997

**MOTIONS - Approve Appointments**

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1814: Carol Ruskamp - Foster Care Review Board; Jack L. Price and Jane Storey - Nebraska Child Abuse Prevention Fund; Ann Holtz - Nebraska Health and Human Services Partnership Council; and Glenn P. York - State Board of Health.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Matzke | Robak | Suttle |
| Brashear | Engel | Maurstad | Robinson | Thompson |
| Bruning | Hartnett | Pedersen, Dw. | Schellpeper | Vrtiska |
| Chambers | Hillman | Pederson, D. | Schmitt | Wehrbein |
| Coordsen | Jensen | Peterson, C. | Schrock | Wesely |
| Crosby | Lynch | Preister | Stuhr | Witek |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|---|---|---|---|---|
| Bromm | Hudkins | Kristensen | Schimek | Wickersham |
| Cudaback | Jones | Raikes | Tyson | |

Excused and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Brown | Hilgert | Kiel | Will |
| Bohlke | Elmer | Janssen | Landis | Willhoft |

The appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1815: Weston W. Andre-Hann, Susan Gilmore, Carolyn Green, and Linda Lund - Foster Care Review Board; Kevin Benesch and Peter Tulipana - Nebraska Child Abuse Prevention Fund; and Margaret Cavanaugh-Boyer, Alice M. Kindschuh, Gary J. Pavel, and Jerome Seigfried Jr. - Nebraska Rural Health Advisory Commission.

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Matzke | Schellpeper | Thompson |
| Brashear | Dierks | Pederson, D. | Schimek | Tyson |
| Brown | Hartnett | Peterson, C. | Schmitt | Vrtiska |
| Bruning | Hillman | Preister | Schrock | Wehrbein |
| Chambers | Landis | Raikes | Stuhr | Wesely |
| Coordsen | Lynch | Robak | Suttle | Willhoft |
| Crosby | | | | |

Voting in the negative, 1:

Witek

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Hudkins | Jones | Maurstad | Robinson |
| Bromm | Jensen | Kristensen | Pedersen, Dw. | Wickersham |
| Engel | | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hilgert | Janssen | Kiel | Will |
| Elmer | | | | |

The appointments were confirmed with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1815: Henry L. Balters, Dennis C. Hirschbrunner, and Jerry Vaughan - State Board of Health.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Landis | Robak | Stuhr |
| Brashear | Dierks | Lynch | Robinson | Suttle |
| Brown | Engel | Matzke | Schellpeper | Thompson |
| Bruning | Hartnett | Pederson, D. | Schimek | Tyson |
| Chambers | Hillman | Preister | Schmitt | Vrtiska |
| Crosby | Kristensen | Raikes | Schrock | Wesely |

Voting in the negative, 2:

| | |
|---|---|
| Jensen | Witek |

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Abboud | Hudkins | Maurstad | Peterson, C. | Wickersham |
| Bromm | Jones | Pedersen, Dw. | Wehrbein | Willhoft |
| Coordsen | | | | |

Excused and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Bohlke | Hilgert | Janssen | Kiel | Will |
| Elmer | | | | |

The appointments were confirmed with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following appointments found on page 1819: Frank McGill and Susan Parascand - Nebraska Advisory Commission on Compulsive Gambling.

Voting in the affirmative, 30:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Jensen | Raikes | Stuhr |
| Brashear | Dierks | Landis | Robak | Tyson |
| Bromm | Elmer | Lynch | Schellpeper | Vrtiska |
| Brown | Engel | Pederson, D. | Schimek | Wehrbein |
| Bruning | Hartnett | Peterson, C. | Schmitt | Wesely |
| Coordsen | Hillman | Preister | Schrock | Witek |

Voting in the negative, 0.

Present and not voting, 15:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Kristensen | Pedersen, Dw. | Thompson |
| Bohlke | Hudkins | Matzke | Robinson | Wickersham |
| Chambers | Jones | Maurstad | Suttle | Willhoft |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hilgert | Janssen | Kiel | Will |

The appointments were confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following appointments found on page 1819: William

King and Joseph Pinhero - Nebraska State Electrical Board; Jerry Bauerkemper and Dianne Streeks - Nebraska Advisory Commission on Compulsive Gambling; and Terrence Ferguson, Thomas Woods III, Kam-Ching Leung, and Edward Taylor.

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Bohlke | Crosby | Lynch | Robinson | Thompson |
| Brashear | Dierks | Matzke | Schellpeper | Tyson |
| Bromm | Elmer | Pederson, D. | Schimek | Vrtiska |
| Brown | Engel | Peterson, C. | Schmitt | Wehrbein |
| Bruning | Hartnett | Preister | Schrock | Wesely |
| Chambers | Hillman | Raikes | Stuhr | Wickersham |
| Coordsen | Landis | Robak | Suttle | |

Voting in the negative, 1:

Witek

Present and not voting, 10:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jensen | Kristensen | Pedersen, Dw. |
| Beutler | Hudkins | Jones | Maurstad | Willhoft |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hilgert | Janssen | Kiel | Will |

The appointments were confirmed with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

**MOTION - Return LB 59 to Select File**

Mr. Wehrbein moved to return LB 59 to Select File for his specific amendment, FA740, found on page 1783.

Mr. Wehrbein withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 59.**

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Jensen | Pederson, D. | Schrock |
| Bohlke | Crosby | Jones | Peterson, C. | Suttle |
| Brashear | Cudaback | Kristensen | Raikes | Thompson |
| Bromm | Engel | Lynch | Robak | Wehrbein |
| Brown | Hartnett | Matzke | Robinson | Wickersham |
| Bruning | Hillman | Maurstad | Schmitt | Witek |
| Chambers | Hudkins | Pedersen, Dw. | | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Schimek | Stuhr | Tyson | Wesely |
| Landis | | | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Dierks | Preister | Schellpeper | Vrtiska | Willhoft |
| Elmer | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hilgert | Janssen | Kiel | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1063.**

A BILL FOR AN ACT relating to health and human services; to amend sections 44-710.01, 44-4227, 44-4235, 68-1019, 68-1020, 68-1021, 68-1037, and 71-529, Reissue Revised Statutes of Nebraska, and section 44-4221, Revised Statutes Supplement, 1997; to change provisions relating to the Comprehensive Health Insurance Pool, medical assistance, children's health services availability, and immunization information exchanges; to create a committee; to change eligibility requirements; to change premium rates; to provide a penalty; to provide a fee; to provide powers and duties; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Jones | Preister | Stuhr |
| Beutler | Cudaback | Kristensen | Raikes | Suttle |
| Bohlke | Dierks | Landis | Robak | Thompson |
| Brashear | Elmer | Lynch | Robinson | Tyson |
| Bromm | Engel | Matzke | Schellpeper | Vrtiska |
| Brown | Hartnett | Maurstad | Schimek | Wehrbein |
| Bruning | Hillman | Pedersen, Dw. | Schmitt | Wesely |
| Chambers | Hudkins | Pederson, D. | Schrock | Wickersham |
| Coordsen | Jensen | Peterson, C. | | |

Voting in the negative, 1:

Witek

Present and not voting, 1:

Willhoft

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hilgert | Janssen | Kiel | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1063A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1063, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Jones | Raikes | Thompson |
| Beutler | Cudaback | Kristensen | Robak | Tyson |
| Bohlke | Dierks | Landis | Robinson | Vrtiska |
| Bromm | Elmer | Lynch | Schellpeper | Wehrbein |
| Brown | Engel | Pedersen, Dw. | Schmitt | Wesely |
| Bruning | Hartnett | Pederson, D. | Schrock | Wickersham |
| Chambers | Hillman | Peterson, C. | Stuhr | Willhoft |
| Coordsen | Hudkins | Preister | Suttle | |

Voting in the negative, 1:

Witek

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brashear | Jensen | Matzke | Maurstad | Schimek |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hilgert | Janssen | Kiel | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## WITHDRAW - Amendments and Motions to LB 1070

Mr. Chambers withdrew his 19 amendments and motions, on file in the Clerk's Office and referred to on page 1666, to LB 1070.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1070.** With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend section 71-6050, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Health Care Trust Fund Act and the Native American Public Health Act; to create funds; to harmonize provisions; 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, 42:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Landis | Raikes | Suttle |
| Beutler | Dierks | Lynch | Robak | Thompson |
| Bohlke | Elmer | Matzke | Robinson | Tyson |
| Bromm | Engel | Maurstad | Schellpeper | Vrtiska |
| Brown | Hartnett | Pedersen, Dw. | Schimek | Wehrbein |
| Bruning | Hillman | Pederson, D. | Schmitt | Wesely |
| Chambers | Hudkins | Peterson, C. | Schrock | Wickersham |
| Coordsen | Jensen | Preister | Stuhr | Willhoft |
| Crosby | Jones | | | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Brashear | Kristensen | Witek |

Excused and not voting, 4:

Hilgert Janssen Kiel 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 1070A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 389, sections 255 and 259; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1070, Ninety-fifth Legislature, Second Session, 1998; 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 | Jones | Preister | Suttle |
| Beutler | Dierks | Landis | Raikes | Thompson |
| Bohlke | Elmer | Lynch | Robak | Tyson |
| Bromm | Engel | Matzke | Schellpeper | Vrtiska |
| Brown | Hartnett | Maurstad | Schimek | Wehrbein |
| Bruning | Hillman | Pedersen, Dw. | Schmitt | Wesely |
| Chambers | Hudkins | Pederson, D. | Schrock | Wickersham |
| Coordsen | Jensen | Peterson, C. | Stuhr | Willhoft |
| Crosby | | | | |

Voting in the negative, 3:

Brashear Kristensen Witek

Present and not voting, 1:

Robinson

Excused and not voting, 4:

Hilgert Janssen Kiel 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 1193.**

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4402 and 2-4403, Reissue Revised Statutes of Nebraska; to require reports of ownership of real estate involved in farming or ranching and farming or ranching activities; to provide powers and duties for the Secretary of State

and Attorney General; to provide for fines or dissolution or cancellation of registration for failure to comply; to define a term; to include grain warehouses in the Nebraska Right to Farm Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

| | | | | |
|---|---|---|---|---|
| Abboud | Coordsen | Kristensen | Preister | Thompson |
| Beutler | Crosby | Landis | Robak | Tyson |
| Bohlke | Cudaback | Lynch | Schellpeper | Wehrbein |
| Brashear | Dierks | Maurstad | Schmitt | Wesely |
| Bromm | Engel | Pedersen, Dw. | Schrock | Wickersham |
| Brown | Hartnett | Pederson, D. | Stuhr | Willhoft |
| Bruning | Hudkins | Peterson, C. | Suttle | Witek |
| Chambers | Jones | | | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Hillman | Jensen | Raikes |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Elmer | Matzke | Robinson | Schimek | Vrtiska |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hilgert | Janssen | Kiel | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1193A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1193, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Bromm | Coordsen | Engel | Kristensen |
| Beutler | Brown | Crosby | Hartnett | Landis |
| Bohlke | Bruning | Cudaback | Hudkins | Lynch |
| Brashear | Chambers | Dierks | Jones | Maurstad |

| | | | | |
|---|---|---|---|---|
| Pedersen, Dw. | Robak | Schrock | Vrtiska | Wickersham |
| Pederson, D. | Schellpeper | Stuhr | Wehrbein | Willhoft |
| Peterson, C. | Schimek | Thompson | Wesely | Witek |
| Preister | Schmitt | Tyson | | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Hillman | Jensen | Raikes |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Elmer | Matzke | Robinson | Suttle |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hilgert | Janssen | Kiel | Will |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## MOTIONS - Return LB 1209 to Select File

Mr. Schellpeper moved to return LB 1209 to Select File for the following specific amendment:
FA750
Strike the enacting clause.

Mr. Schellpeper withdrew his motion to return.

Mr. Chambers moved to return LB 1209 to Select File for the following specific amendment:
FA751
Strike enacting clause.

Mr. Chambers withdrew his motion to return.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1209.** With Emergency.

A BILL FOR AN ACT relating to environment; to amend sections 81-1501 to 81-1503, 81-1506 to 81-1508.02, 81-1511, 81-1512, and 81-1532, Reissue Revised Statutes of Nebraska, section 46-257, Revised Statutes Supplement, 1996, sections 81-1504 and 81-1505, Revised Statutes Supplement, 1997, and section 88, Legislative Bill 1161, Ninety-fifth Legislature, Second Session, 1998; to adopt the Livestock Waste Management Act; to provide a penalty; to provide duties for the Department

of Environmental Quality and the Department of Water Resources; to change provisions relating to geologists; 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, 39:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kiel | Preister | Thompson |
| Beutler | Elmer | Kristensen | Raikes | Vrtiska |
| Bohlke | Engel | Landis | Robak | Wehrbein |
| Brashear | Hartnett | Lynch | Robinson | Wesely |
| Bromm | Hillman | Maurstad | Schellpeper | Wickersham |
| Brown | Hudkins | Pedersen, Dw. | Schrock | Willhoft |
| Bruning | Jensen | Pederson, D. | Stuhr | Witek |
| Crosby | Jones | Peterson, C. | Suttle | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Chambers | Matzke | Schimek | Schmitt | Tyson |
| Coordsen | | | | |

Present and not voting, 1:

Dierks

Excused and not voting, 3:

| | | |
|---|---|---|
| Hilgert | Janssen | 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 1209A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1209, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Bohlke | Bromm | Bruning | Cudaback |
| Beutler | Brashear | Brown | Crosby | Engel |

| | | | | |
|---|---|---|---|---|
| Hartnett | Kristensen | Preister | Schimek | Vrtiska |
| Hillman | Landis | Raikes | Schrock | Wehrbein |
| Hudkins | Lynch | Robak | Stuhr | Wesely |
| Jensen | Pedersen, Dw. | Robinson | Suttle | Wickersham |
| Jones | Pederson, D. | Schellpeper | Thompson | Willhoft |
| Kiel | Peterson, C. | | | |

Voting in the negative, 4:

| | | | |
|---|---|---|---|
| Chambers | Schmitt | Tyson | Witek |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Coordsen | Dierks | Elmer | Matzke | Maurstad |

Excused and not voting, 3:

| | | |
|---|---|---|
| Hilgert | Janssen | 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.

## RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

**LEGISLATIVE RESOLUTION 45CA.**

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 1:

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. The ~~; PROVIDED, that such~~ tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~counties, townships,~~ county and the 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) 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.".

Sec. 2. At the general election in November 1998 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 XV, section 18:

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. If the proposal is a merger or consolidation of one or more municipalities with one or more counties, the vote shall be tabulated in each municipality in the county or counties separately from the areas of the county or counties outside the boundaries of the municipalities. If the merger or consolidation is not approved by a majority of voters voting in the election in a municipality proposed to be merged or consolidated or the areas of the county or counties outside the boundaries of such municipality or municipalities, the proposed merger or consolidation shall be deemed rejected. 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. If the Legislature provides for the merger or consolidation of one or more municipalities with one or more counties, the Legislature shall provide for the reversal of the merger or consolidation. No such reversal shall occur without voter approval. The vote shall be tabulated in each municipality which is proposed to be created by the reversal separately from the areas outside the boundaries of the proposed municipalities. If the reversal is not approved by a majority of voters voting in the election in the area within the boundaries of any proposed municipality or the areas outside the proposed municipalities, the reversal shall be deemed rejected.".

Sec. 3. At the general election in November 1998 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 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 the authorized 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 except as provided by law; (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. 4. At the general election in November 1998 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, 4, and 6, Article IX, section 4, Article XI, section 1, and Article XVII, section 4, and repeal Article IX, section 5:

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 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."

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. 5. The proposed amendments 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 a restriction on allocation of proceeds from motor vehicle taxes.

For

Against".

"A constitutional amendment to authorize legislation relating to mergers and consolidations by local governments.

For

Against".

"A constitutional amendment 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 property not used for authorized public purposes.

For

Against".

"A constitutional amendment 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, 38:

| | | | | |
|---|---|---|---|---|
| Abboud | Engel | Lynch | Robinson | Tyson |
| Bohlke | Hartnett | Matzke | Schellpeper | Vrtiska |
| Brashear | Hillman | Maurstad | Schimek | Wehrbein |
| Bromm | Hudkins | Pedersen, Dw. | Schrock | Wesely |
| Brown | Jensen | Pederson, D. | Stuhr | Wickersham |
| Bruning | Kiel | Peterson, C. | Suttle | Willhoft |
| Coordsen | Kristensen | Preister | Thompson | Witek |
| Elmer | Landis | Raikes | | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Beutler | Crosby | Cudaback | Jones | Robak |
| Chambers | | | | |

Present and not voting, 2:

| | |
|---|---|
| Dierks | Schmitt |

Excused and not voting, 3:

| | | |
|---|---|---|
| Hilgert | Janssen | Will |

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

## BILL ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 922 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 922.**

A BILL FOR AN ACT relating to game and parks; to amend sections 2-32,101, 11-201, 28-1007, 37-103, 37-109, 37-202.01, 37-203, 37-204.01, 37-204.02, 37-205, 37-208, 37-209, 37-212, 37-213.01 to 37-213.06, 37-214.01 to 37-214.04, 37-215.02, 37-215.05, 37-216, 37-226 to 37-228, 37-232 to 37-234, 37-301 to 37-304, 37-304.02 to 37-307, 37-309, 37-310, 37-401 to 37-406, 37-407, 37-408, 37-410 to 37-412, 37-415 to 37-417, 37-419 to 37-427, 37-429 to 37-438, 37-501 to 37-502, 37-503.05 to 37-504, 37-506, 37-507, 37-508 to 37-510, 37-512, 37-513, 37-515 to 37-518, 37-520, 37-523 to 37-526, 37-528, 37-529, 37-531, 37-534 to 37-538, 37-601 to 37-608, 37-610 to 37-614, 37-712 to 37-714, 37-716 to 37-718, 37-720 to 37-726, 37-902 to 37-908, 37-910 to 37-914, 37-1001 to 37-1008, 37-1101, 37-1102, 37-1104, 37-1105, 37-1107.01 to 37-1114, 37-1212, 37-1269, 37-1273, 37-1302 to 37-1304, 37-1401 to 37-1408, 37-1501, 37-1502, 37-1504 to 37-1506, 37-1508, 39-312, 60-646, 60-6,353, 72-261, 77-27,119.01, 81-801 to 81-802, 81-804, 81-805, 81-805.02 to 81-805.04, 81-807 to 81-809, 81-810 to 81-812, 81-814 to 81-815, 81-815.21 to 81-815.33, 81-815.36, 81-815.45, 81-815.50, 81-815.51, 81-815.53, 81-815.55, 81-815.56, 81-815.58 to 81-815.65, and 85-162.03 to 85-162.05, Reissue Revised Statutes of Nebraska, sections 37-104, 37-110, 37-111, 37-201, 37-202.02, 37-202.03, 37-204, 37-206, 37-213, 37-215.01, 37-215.04, 37-215.08, 37-216.02, 37-216.04 to 37-216.09, 37-304.01, 37-311, 37-428, 37-439, 37-507.01, 37-511, 37-511.01, 37-529.01 to 37-530, 37-532, 37-533, 37-609, 37-702, 37-705 to 37-707, 37-711, 37-711.01, 37-719, 37-1211, 37-1217, 37-1227, 37-1291, 37-1503, 37-1507, 37-1510, and 81-2801, Revised Statutes Supplement, 1996, and sections 37-101, 37-102, 37-105, 37-202, 37-204.03, 37-211, 37-211.01, 37-215, 37-215.03, 37-216.01, 37-308, 37-503, 37-505, 37-703, 37-715, 37-901, 37-1103, 37-1214, 39-311, and 81-803.01, Revised Statutes Supplement, 1997; to amend, transfer, and repeal provisions relating to the Game and Parks Commission and Chapter 37; to provide and change provisions relating to enforcement, penalties, and fees; to change provisions relating to controlled shooting areas and registration of boats; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-207, 37-215.06, 37-215.07, 37-235, 37-406.01, 37-406.02, 37-418, 37-519, 37-527, 37-901.01, 37-909, 37-1301, 37-1509, 81-805.01, and 81-815.52, Reissue Revised Statutes of Nebraska, and sections 37-216.03 and 37-1305, Revised Statutes Supplement, 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 | Bromm | Crosby | Engel | Jensen |
| Beutler | Brown | Cudaback | Hartnett | Jones |
| Bohlke | Bruning | Dierks | Hillman | Kiel |
| Brashear | Coordsen | Elmer | Hudkins | Kristensen |

| | | | | |
|---|---|---|---|---|
| Landis | Pederson, D. | Schellpeper | Suttle | Wesely |
| Lynch | Peterson, C. | Schimek | Thompson | Wickersham |
| Matzke | Preister | Schmitt | Tyson | Willhoft |
| Maurstad | Raikes | Schrock | Vrtiska | Witek |
| Pedersen, Dw. | Robinson | Stuhr | Wehrbein | |

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Robak

Excused and not voting, 3:

Hilgert Janssen Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 1162 to Select File**

Ms. Schimek moved to return LB 1162 to Select File for her specific amendment, AM4161, found on page 1443.

Ms. Schimek withdrew her motion to return.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1162 with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1162.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-5401, 44-5402, 44-5409 to 44-5414, 84-1601, and 84-1604, Reissue Revised Statutes of Nebraska, and sections 44-6801, 44-6802, 44-6820, 44-6823, and 81-1307, Revised Statutes Supplement, 1997; to adopt the Health Care Professional Credentialing Verification Act, the Managed Care Plan Network Adequacy Act, the Quality Assessment and Improvement Act, and the Health Carrier Grievance Procedure Act; to rename the Utilization Review Certification Act and the Managed Care Patient Protection Act; to require health care coverage for certain drugs and surgical and nonsurgical

treatments; to provide powers and duties; to eliminate provisions relating to utilization review and managed care plans; to provide for coverage under the Nebraska State Insurance Program for temporary state employees; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 44-5403 to 44-5408 and 44-5415, Reissue Revised Statutes of Nebraska, and sections 44-6803 to 44-6819, 44-6821, 44-6822, and 44-6824, Revised Statutes Supplement, 1997.

Whereupon the 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 | Kiel | Robak | Thompson |
| Beutler | Cudaback | Kristensen | Robinson | Tyson |
| Bohlke | Dierks | Landis | Schellpeper | Vrtiska |
| Brashear | Elmer | Lynch | Schimek | Wehrbein |
| Bromm | Engel | Pedersen, Dw. | Schmitt | Wesely |
| Brown | Hartnett | Pederson, D. | Schrock | Wickersham |
| Bruning | Hillman | Peterson, C. | Stuhr | Will |
| Chambers | Hudkins | Preister | Suttle | Willhoft |
| Coordsen | Jones | Raikes | | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Matzke | Maurstad | Witek |

Present and not voting, 1:

Jensen

Excused and not voting, 2:

| | |
|---|---|
| Hilgert | Janssen |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1162A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1162, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Kiel | Robak | Thompson |
| Beutler | Cudaback | Kristensen | Robinson | Tyson |
| Bohlke | Dierks | Landis | Schellpeper | Vrtiska |
| Brashear | Elmer | Lynch | Schimek | Wehrbein |
| Bromm | Engel | Pedersen, Dw. | Schmitt | Wesely |
| Brown | Hartnett | Pederson, D. | Schrock | Wickersham |
| Bruning | Hillman | Peterson, C. | Stuhr | Will |
| Chambers | Hudkins | Preister | Suttle | Willhoft |
| Coordsen | Jones | Raikes | | |

Voting in the negative, 1:

Witek

Present and not voting, 3:

Jensen Matzke Maurstad

Excused and not voting, 2:

Hilgert Janssen

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 and resolutions: LBs 59, 1063, 1063A, 1070, 1070A, 1193, 1193A, 1209, 1209A, 922, 1162, 1162A, LRs 45CA, 479, and 480.

## MOTION - Override Line-Item Veto on LB 1108

Mr. Wehrbein renewed the Appropriations Committee pending motion, found on page 1825, to override the Governor's line-item vetoes to LB 1108 contained in:

1. Section 36, Agency 26, Program 424 Developmental Disability Aid, for rate equity.

2. Section 57, Agency 50, Program 901 System wide Miscellaneous Improvements to Facilities, for miscellaneous fire and life safety improvements to various buildings on the three college campuses.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the

Governor?' "

Voting in the affirmative, 41:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Landis | Raikes | Suttle |
| Bohlke | Dierks | Lynch | Robak | Thompson |
| Brashear | Elmer | Matzke | Robinson | Tyson |
| Bromm | Engel | Maurstad | Schellpeper | Vrtiska |
| Brown | Hartnett | Pedersen, Dw. | Schimek | Wehrbein |
| Bruning | Hillman | Pederson, D. | Schmitt | Wickersham |
| Chambers | Hudkins | Peterson, C. | Schrock | Will |
| Coordsen | Jones | Preister | Stuhr | Willhoft |
| Crosby | | | | |

Voting in the negative, 1:

Witek

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Abboud | Jensen | Kiel | Kristensen | Wesely |

Excused and not voting, 2:

| | |
|---|---|
| Hilgert | Janssen |

Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

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

## MOTION - Override Line-Item Veto on LB 1108

Mr. Wehrbein renewed his pending motion, found on page 1825, to override the Governor's line-item General Fund veto of the appropriation contained in LB 1108, section 58, for fiscal year 1998-99.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

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, 35:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Hillman | Matzke | Raikes |
| Bromm | Cudaback | Hudkins | Maurstad | Robak |
| Brown | Dierks | Jones | Pedersen, Dw. | Robinson |
| Chambers | Elmer | Kiel | Pederson, D. | Schellpeper |
| Coordsen | Engel | Lynch | Peterson, C. | Schimek |

| | | | | |
|---|---|---|---|---|
| Schmitt | Stuhr | Thompson | Vrtiska | Wickersham |
| Schrock | Suttle | Tyson | Wehrbein | Willhoft |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Beutler | Jensen | Landis | Will | Witek |
| Bruning | Kristensen | Wesely | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Bohlke | Brashear | Hartnett | Preister |

Excused and not voting, 2:

| | |
|---|---|
| Hilgert | Janssen |

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.

**MOTION - Override Veto on LB 1110**

Mr. Wehrbein renewed the Appropriations Committee pending motion, found on page 1648, that pursuant to Rule 6, Section 14, LB 1110 becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Jones | Peterson, C. | Stuhr |
| Bohlke | Dierks | Kiel | Raikes | Thompson |
| Brashear | Elmer | Lynch | Robinson | Tyson |
| Bromm | Engel | Matzke | Schellpeper | Wehrbein |
| Brown | Hartnett | Maurstad | Schimek | Wickersham |
| Coordsen | Hillman | Pedersen, Dw. | Schrock | Willhoft |
| Crosby | Hudkins | Pederson, D. | | |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Abboud | Jensen | Robak | Will | Witek |
| Bruning | Landis | | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Chambers | Kristensen | Preister | Schmitt | Suttle |

Vrtiska Wesely

Excused and not voting, 2:

Hilgert Janssen

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**MR. COORDSEN PRESIDING**

**MOTION - Override Veto on LB 695**

Mr. Cudaback renewed the Cudaback et al. pending motion, found on page 1852, that LB 695 become law notwithstanding the objections of the Governor.

**SPEAKER KRISTENSEN PRESIDING**

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Cudaback moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Mr. Cudaback requested a roll call vote, in reverse order, on the Cudaback et al. motion to override the veto on LB 695.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 36:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kristensen | Preister | Suttle |
| Beutler | Elmer | Landis | Raikes | Tyson |
| Bohlke | Engel | Lynch | Robinson | Vrtiska |
| Brashear | Hartnett | Matzke | Schellpeper | Wehrbein |
| Bromm | Hudkins | Pedersen, Dw. | Schmitt | Wickersham |
| Coordsen | Jones | Pederson, D. | Schrock | Will |
| Crosby | Kiel | Peterson, C. | Stuhr | Willhoft |
| Cudaback | | | | |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Bruning | Jensen | Thompson | Wesely | Witek |
| Chambers | | | | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brown | Hillman | Maurstad | Robak | Schimek |

Excused and not voting, 2:

Hilgert Janssen

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

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

**MOTION - Override Veto on LB 695A**

Mr. Cudaback renewed the Cudaback et al. pending motion, found on page 1852, that LB 695A become law notwithstanding the objections of the Governor.

Mr. Cudaback moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Mr. Chambers requested a roll call vote on the Cudaback et al. motion to override the veto on LB 695A.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kiel | Preister | Suttle |
| Beutler | Dierks | Kristensen | Raikes | Tyson |
| Bohlke | Elmer | Lynch | Robinson | Vrtiska |
| Brashear | Engel | Matzke | Schellpeper | Wehrbein |
| Bromm | Hartnett | Pedersen, Dw. | Schmitt | Wickersham |
| Coordsen | Hudkins | Pederson, D. | Schrock | Will |
| Crosby | Jones | Peterson, C. | Stuhr | Willhoft |

Voting in the negative, 7:

| | | | | |
|---|---|---|---|---|
| Brown | Chambers | Thompson | Wesely | Witek |
| Bruning | Jensen | | | |

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Hillman | Maurstad | Robak | Schimek |

Excused and not voting, 3:

| | | |
|---|---|---|
| Hilgert | Janssen | Landis |

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

## MOTION - Override Veto on LB 1120

Mr. Wickersham moved that LB 1120 become law notwithstanding the objections of the Governor.

Mr. Wickersham moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Wickersham requested a roll call vote, in reverse order, on his motion to override the veto on LB 1120.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

| | | | | |
|---|---|---|---|---|
| Bohlke | Dierks | Kiel | Robak | Thompson |
| Brashear | Elmer | Lynch | Robinson | Tyson |
| Bromm | Engel | Matzke | Schellpeper | Vrtiska |
| Bruning | Hartnett | Maurstad | Schmitt | Wehrbein |
| Coordsen | Hillman | Peterson, C. | Schrock | Wickersham |
| Crosby | Hudkins | Raikes | Stuhr | Willhoft |
| Cudaback | Jones | | | |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Pedersen, Dw. | Wesely | Witek |
| Beutler | Jensen | Suttle | Will | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brown | Kristensen | Pederson, D. | Preister | Schimek |

Excused and not voting, 3:

| | | |
|---|---|---|
| Hilgert | Janssen | Landis |

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

## MOTION - Override Veto on LB 1120A

Mr. Wickersham moved that LB 1120A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Kiel | Robinson | Thompson |
| Bromm | Engel | Lynch | Schellpeper | Tyson |
| Bruning | Hartnett | Matzke | Schimek | Vrtiska |
| Coordsen | Hillman | Maurstad | Schmitt | Wehrbein |
| Crosby | Hudkins | Raikes | Schrock | Wickersham |
| Cudaback | Jones | Robak | Stuhr | Willhoft |
| Dierks | | | | |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Pedersen, Dw. | Will | Witek |
| Beutler | Jensen | Wesely | | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Brashear | Kristensen | Pederson, D. | Preister | Suttle |
| Brown | | | | |

Excused and not voting, 4:

| | | | |
|---|---|---|---|
| Hilgert | Janssen | Landis | Peterson, C. |

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

## UNANIMOUS CONSENT - Members Excused

Mmes. Kiel, Witek, Messrs. Robinson, Tyson, Will, and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

## PROPOSED RULES CHANGE

Messrs. Wehrbein and Wickersham offered the following proposed rules change:

1) New Rule to Section 8, Rules of the Nebraska Unicameral Legislature (1998):

Beginning with the Legislative day following the reporting of Appropriations bills to General File, there shall be attached to the daily

agenda of the Legislature a General Fund Financial Status, prepared by the Legislative Fiscal Analyst under the supervision of the chair of the Appropriations Committee. The Financial Status shall include current estimates of beginning funds available, plus estimated revenue, less the Appropriations Committee recommended budget and express obligations for the biennial period under consideration, to arrive at a calculated variance from the minimum reserve for the General Fund as specified in law. The Financial Status shall also include a listing of other legislation on Select File and Final Reading, and Speaker's Major Proposals on General File that would deduct from or add to General Funds available above the minimum reserve requirement, should the bills pass.

In addition to data for the budget period under consideration, the Financial Status shall include data for the ensuing two years following the biennial budget period. Such data shall consist of projections of available balances, annual net receipts and annual expenditures, based on the assessment of the Legislative Fiscal Analyst of the provisions of current law as it may relate to projected revenues and expenditures. Prior to attaching the first Financial Status to the agenda, the data and assumptions for the ensuing years beyond the budget biennium and methods for arriving at estimates shall be reviewed and agreed to by the Chair and Vice Chair of the Appropriations and Revenue committees, and one committee member from Appropriations and Revenue committees designated by their respective committee chair.

Referred to the Rules Committee.

## REPORT OF THE EXECUTIVE BOARD

1998 Resolution calling for an Interim Study

LR 413 Rereferred to Judiciary
from Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 9, 1998, at 11:00 a.m., was the following resolution: LR 45CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1998, at 11:10 a.m., were the following bills: LBs 59, 1063, 1063A, 1070, 1070A, 1193, 1193A, 1209, 1209A, 922, 1162, and 1162A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## COMMUNICATION

April 9, 1998

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 1108 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

## CERTIFICATE

Legislative Bill 1108, 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 36, Agency 26, Program 424 Developmental Disability Aid, for rate equity.

Section 57, Agency 50, Program 901 System wide Miscellaneous Improvements to Facilities, for miscellaneous fire and life safety improvements to various buildings on the three college campuses.

(Signed) Kim M. Robak
President of the Legislature

## COMMUNICATION

April 9, 1998

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 1110 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1110 notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

**CERTIFICATE**

Legislative Bill 1110, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1998.

(Signed) Douglas A. Kristensen
Acting President of the Legislature

**COMMUNICATION**

April 9, 1998

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 695 and LB 695A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 695 and 695A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

**CERTIFICATE**

Legislative Bill 695, and Legislative Bill 695A having been returned by the Governor with his objections thereto, and after reconsideration having

passed the Legislature by the constitutional majority, have become law this ninth day of April, 1998.

(Signed) Douglas A. Kristensen
Acting President of the Legislature

**MR. ABBOUD PRESIDING**

**UNANIMOUS CONSENT - Members Excused**

Messrs. Dierks and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 328.** Read. Considered.

**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.

**LEGISLATIVE RESOLUTION 334.** Read. Considered.

**LEGISLATIVE RESOLUTION 335.** Read. Considered.

**LEGISLATIVE RESOLUTION 338.** Read. Considered.

**LEGISLATIVE RESOLUTION 339.** Read. Considered.

**LEGISLATIVE RESOLUTION 341.** Read. Considered.

**LEGISLATIVE RESOLUTION 342.** Read. Considered.

**LEGISLATIVE RESOLUTION 343.** Read. Considered.

**LEGISLATIVE RESOLUTION 345.** Read. Considered.

**LEGISLATIVE RESOLUTION 378.** Read. Considered.

Pursuant to Rule 4, Section 5, LRs 328, 329, 330, 331, 332, 333, 334, 335, 338, 339, 341, 342, 343, 345, and 378 were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

**SPEAKER KRISTENSEN PRESIDING**

## UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 1104. No objections. So ordered.

## COMMUNICATION

April 9, 1998

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 1120 and LB 1120A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1120 and LB 1120A notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

## CERTIFICATE

Legislative Bill 1120, and Legislative Bill 1120A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, have become law this ninth day of April, 1998.

(Signed) Douglas A. Kristensen
Acting President of the Legislature

## VISITORS

Visitors to the Chamber were Senator's Dwite Pedersen's family and grandchildren, Chaylee and Cameron Emanuel; 22 fourth grade students and teacher from Watson Elementary School, Hastings; Max and Jennifer Kroger from Big Springs; 50 fourth grade students and teachers from Louisville; 30 fourth grade students and teacher from Washington Elementary School, Norfolk; Sharon and Aaron Wiegert from LaVista; Eya Tkachenko from Kiev, Ukraine; and 17 fourth through sixth grade students and teacher from Mile Bridge School, Grand Island.

The Doctor of the Day was Tuck Smith from Oakland.

## ADJOURNMENT

At 1:08 p.m., on a motion by Mrs. Suttle, the Legislature adjourned until 10:00 a.m., Tuesday, April 14, 1998.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

# SIXTIETH DAY – APRIL 14, 1998

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

## SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 14, 1998

Pursuant to adjournment, the Legislature met at 10:00 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. Landis, Wickersham, Will, Mmes. Hillman, and Robak who were excused until they arrive.

## CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

## UNANIMOUS CONSENT - Member Excused

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

## MESSAGES FROM THE GOVERNOR

April 9, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 395, 699, and 632 were received in my office on April 6, 1998.

These bills were signed by me on April 9, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 13, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1053 and 1053A were received in my office on April 7, 1998; and Engrossed Legislative Bills 1063 and 1070 were received on April 9, 1998.

These bills were signed by me on April 13, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 14, 1998, 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

Butler, Terri Mecham (Withdrawn 04/06/1998) - Lincoln; United Cerebral Palsy of Nebraska (Withdrawn 04/06/1998)
Jensen, Abigail M. (Withdrawn 04/04/1998) - Blair; Great Plains Communications (Withdrawn 04/04/1998)
O'Hara & Associates, Inc.
O'Hara, Paul V. - Lincoln; MCI Telecommunications Corporation

## REPORTS

The following reports were received by the Legislature:

**Energy Office, Nebraska**
Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Report

**Health and Human Services System**
Office of the System Advocate Report

**Investment Finance Authority, Nebraska (NIFA)**
Annual Report
Series A and Series B Community Development Loan Notes Quarterly Report

**Roads, Department of**
Highway Cash Fund and Roads Operation Cash Fund for March 1998

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 328, 329, 330, 331, 332, 333, 334, 335, 338, 339, 341, 342, 343, 345, and 378.

## UNANIMOUS CONSENT - Members Excused

Mrs. Hudkins and Mr. Raikes asked unanimous consent to be excused until they return. No objections. So ordered.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 481.** Read. Considered.

LR 481was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

**LEGISLATIVE RESOLUTION 482.** Read. Considered.

LR 482 was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

## BILLS ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 218 with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 218.**

A BILL FOR AN ACT relating to law; to amend sections 28-311.02, 28-311.03, 28-311.05, 29-104, 29-115, 29-116, 29-117, 29-118, 29-824, 29-825, 29-826, 42-905, 42-925, 42-926, and 42-928, Reissue Revised Statutes of Nebraska, section 42-903, Revised Statutes Supplement, 1996,

and sections 25-2740, 28-101, 29-2262, 42-901, 42-924, 42-924.01, and 42-924.02, Revised Statutes Supplement, 1997; to redefine a term; to change provisions relating to stalking; to provide for harassment protection orders; to provide a penalty; to change provisions relating to arrests without warrants; to change provisions relating to conditions of probation; to redefine a term; to change and eliminate provisions relating to the filing of suppression motions; to eliminate miscellaneous provisions relating to the county court; to change provisions relating to the Protection from Domestic Abuse Act; to change provisions relating to protection orders; to accord full faith and credit to valid foreign protection orders; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-586, 24-587, 24-588, 24-589, 24-590, and 29-827, 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 | Cudaback | Jones | Peterson, C. | Thompson |
| Beutler | Dierks | Kiel | Preister | Vrtiska |
| Bohlke | Elmer | Kristensen | Robinson | Wehrbein |
| Brashear | Engel | Landis | Schellpeper | Wesely |
| Bromm | Hartnett | Lynch | Schimek | Wickersham |
| Brown | Hilgert | Matzke | Schmitt | Will |
| Bruning | Hudkins | Maurstad | Schrock | Willhoft |
| Coordsen | Janssen | Pedersen, Dw. | Stuhr | Witek |
| Crosby | Jensen | Pederson, D. | Suttle | |

Voting in the negative, 2:

Robak Tyson

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Hillman Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 303.** With Emergency.

A BILL FOR AN ACT relating to the Nebraska Educational Finance Authority Act; to amend section 85-1707, Revised Statutes Supplement, 1996; to redefine a term; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kiel | Preister | Thompson |
| Beutler | Elmer | Kristensen | Raikes | Tyson |
| Bohlke | Engel | Landis | Robak | Vrtiska |
| Brashear | Hartnett | Lynch | Robinson | Wehrbein |
| Bromm | Hilgert | Matzke | Schellpeper | Wesely |
| Brown | Hudkins | Maurstad | Schmitt | Wickersham |
| Bruning | Janssen | Pedersen, Dw. | Schrock | Will |
| Coordsen | Jensen | Pederson, D. | Stuhr | Willhoft |
| Crosby | Jones | Peterson, C. | Suttle | Witek |
| Cudaback | | | | |

Voting in the negative, 0.

Present and not voting, 2:

Chambers Schimek

Excused and not voting, 1:

Hillman

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 303CA.**

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 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 4:

V-4 "The Chief Justice and the Judges of the Supreme Court shall be selected as provided in this Article V. They ~~shall~~ may reside at the place

where the court is located but shall reside within the state, and ~~but~~ no Chief Justice or Judge of the Supreme Court shall be deemed thereby to have lost his or her residence at the place from which he or she was selected. The offices of the Chief Justice and Judges of the Supreme Court shall be at the place where the court is located.".

Sec. 2. At the general election in November 1998 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 21:

V-21 "(1) In the case of any vacancy in the Supreme Court, ~~or~~ in ~~any district~~ the appellate court, or in ~~such other court or courts made subject to this provision by law~~ any other inferior court, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him or her by the appropriate judicial nominating commission. If the Governor shall fail to make an appointment from the list within sixty days from the date it is presented to him or her, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court and each judge of the appellate court and any other inferior court ~~or district court or such other court or courts as the Legislature shall provide~~ shall have his or her right to remain in office subject to approval or rejection by the electorate in such manner as the Legislature shall provide. ; ~~PROVIDED, that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification shall be deemed to have been selected and to have once received the approval of the electorate as herein provided, and shall be required to submit his right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed, and every six years thereafter.~~ In the case of the Chief Justice and each Judge of the Supreme Court and each judge of the appellate court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of ~~any Judge of the Supreme Court, other than the Chief Justice, and~~ any judge of ~~the district court or~~ any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court, ~~and~~ one for each judicial district of the Supreme Court and ~~of the district~~ the appellate court, and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as ~~chairman~~ chairperson, but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number

to serve as members of ~~said~~ the commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of ~~said~~ the commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his or her nomination or for such additional period as the Legislature shall provide. The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his or her name submitted to the Governor."

Sec. 3. The proposed amendments 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 residence and office requirements for the Chief Justice and Judges of the Supreme Court.

For

Against".

"A constitutional amendment to provide for the retention of judges of the Supreme Court and Court of Appeals on a statewide basis.

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, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Kiel | Raikes | Thompson |
| Beutler | Dierks | Kristensen | Robak | Tyson |
| Bohlke | Elmer | Landis | Robinson | Vrtiska |
| Brashear | Engel | Lynch | Schellpeper | Wehrbein |
| Bromm | Hartnett | Matzke | Schimek | Wesely |
| Brown | Hilgert | Maurstad | Schmitt | Wickersham |
| Bruning | Hudkins | Pedersen, Dw. | Schrock | Will |
| Chambers | Janssen | Pederson, D. | Stuhr | Willhoft |
| Coordsen | Jensen | Peterson, C. | Suttle | Witek |
| Crosby | Jones | Preister | | |

Voting in the negative, 0.

Excused and not voting, 1:

Hillman

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

## BILLS ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 309 with 36 ayes, 2 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 309.** With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-106, 29-119, 60-490, 60-4,110, 60-4,150, 60-6,196, 60-6,206, 60-6,208, 60-6,209, 60-6,211.01, 60-6,211.02, 60-6,211.03, 60-6,211.05, 83-1,127, and 83-1,129, Reissue Revised Statutes of Nebraska, sections 60-4,115, 60-4,118, 60-4,120, 60-601, 60-6,197, 60-6,205, and 83-1,135, Revised Statutes Supplement, 1996, and sections 60-4,146.01, 60-4,148, and 60-4,181, Revised Statutes Supplement, 1997; to change provisions relating to operator's licenses and state identification cards and fees; to provide and change provisions relating to penalties for driving while intoxicated, operator's license suspension, revocation, impoundment, and reinstatement, and motor vehicle seizure and impoundment; to provide powers and duties for the Department of Motor Vehicles and the Board of Pardons; 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, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jensen | Pederson, D. | Stuhr |
| Beutler | Dierks | Jones | Peterson, C. | Suttle |
| Bohlke | Elmer | Kiel | Preister | Thompson |
| Brashear | Engel | Kristensen | Raikes | Tyson |
| Bromm | Hartnett | Landis | Robinson | Vrtiska |
| Brown | Hilgert | Lynch | Schellpeper | Wehrbein |
| Bruning | Hillman | Matzke | Schimek | Wesely |
| Coordsen | Hudkins | Maurstad | Schmitt | Wickersham |
| Crosby | Janssen | Pedersen, Dw. | Schrock | Will |

Willhoft Witek

Voting in the negative, 2:

Chambers Robak

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 309A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 309, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kiel | Preister | Thompson |
| Beutler | Elmer | Kristensen | Raikes | Tyson |
| Bohlke | Engel | Landis | Robinson | Vrtiska |
| Brashear | Hartnett | Lynch | Schellpeper | Wehrbein |
| Bromm | Hilgert | Matzke | Schimek | Wesely |
| Brown | Hudkins | Maurstad | Schmitt | Wickersham |
| Bruning | Janssen | Pedersen, Dw. | Schrock | Will |
| Coordsen | Jensen | Pederson, D. | Stuhr | Willhoft |
| Crosby | Jones | Peterson, C. | Suttle | Witek |
| Cudaback | | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Hillman Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 341.** With Emergency.

A BILL FOR AN ACT relating to blind persons; to amend sections

83-210.01 to 83-210.03, 83-211, and 83-211.02, Revised Statutes Supplement, 1996; to adopt the Commission for the Blind and Visually Impaired Act; to eliminate provisions relating to the Department of Health and Human Services; to provide an operative date; to repeal the original sections; to outright repeal sections 83-210.04 to 83-210.07 and 83-212, Revised Statutes Supplement, 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, 35:

| | | | | |
|---|---|---|---|---|
| Brashear | Elmer | Kiel | Preister | Schrock |
| Bruning | Engel | Kristensen | Raikes | Tyson |
| Chambers | Hartnett | Lynch | Robak | Vrtiska |
| Coordsen | Hilgert | Matzke | Robinson | Wehrbein |
| Crosby | Janssen | Pedersen, Dw. | Schellpeper | Will |
| Cudaback | Jensen | Pederson, D. | Schimek | Willhoft |
| Dierks | Jones | Peterson, C. | Schmitt | Witek |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Bohlke | Hudkins | Stuhr | Wesely |
| Beutler | Bromm | Landis | Thompson | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Brown | Hillman | Maurstad | Suttle | 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.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: LBs 218, 303, 309, 309A, and LR 303CA.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 341A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1997, LB 387, section 70; Laws 1997, LB 389, section 103; Laws 1997, LB 389, sections 92 and 99, as amended by sections 113 and 116, respectively, Legislative Bill 1108, Ninety-fifth Legislature, Second Session, 1998; and

Legislative Bill 1108, Ninety-fifth Legislature, Second Session, 1998, section 33; to appropriate funds to aid in carrying out the provisions of Legislative Bill 341, Ninety-fifth Legislature, Second Session, 1998; 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, 35:

| | | | | |
|---|---|---|---|---|
| Brashear | Elmer | Kristensen | Preister | Schrock |
| Bruning | Engel | Landis | Raikes | Tyson |
| Chambers | Hartnett | Lynch | Robak | Vrtiska |
| Coordsen | Hilgert | Matzke | Robinson | Wehrbein |
| Crosby | Janssen | Pedersen, Dw. | Schellpeper | Will |
| Cudaback | Jensen | Pederson, D. | Schimek | Willhoft |
| Dierks | Kiel | Peterson, C. | Schmitt | Witek |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Abboud | Bohlke | Bromm | Thompson | Wesely |
| Beutler | | | | |

Present and not voting, 8:

| | | | | |
|---|---|---|---|---|
| Brown | Hudkins | Maurstad | Suttle | Wickersham |
| Hillman | Jones | Stuhr | | |

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 532.**

A BILL FOR AN ACT relating to retirement; to amend sections 24-701.01, 79-901, and 81-2014.01, Revised Statutes Supplement, 1997; to provide a supplemental retirement benefit for certain eligible retirees; to define terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Bruning | Dierks | Hillman | Kiel |
| Beutler | Chambers | Elmer | Hudkins | Kristensen |
| Bohlke | Coordsen | Engel | Janssen | Landis |
| Bromm | Crosby | Hartnett | Jensen | Lynch |
| Brown | Cudaback | Hilgert | Jones | Matzke |

| | | | | |
|---|---|---|---|---|
| Maurstad | Preister | Schimek | Suttle | Wehrbein |
| Pedersen, Dw. | Raikes | Schmitt | Thompson | Wesely |
| Pederson, D. | Robinson | Schrock | Tyson | Wickersham |
| Peterson, C. | Schellpeper | Stuhr | Vrtiska | Will |

Voting in the negative, 1:

Witek

Present and not voting, 3:

Brashear Robak Willhoft

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 532A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 532, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Jones | Preister | Suttle |
| Beutler | Elmer | Kiel | Raikes | Thompson |
| Bohlke | Engel | Kristensen | Robak | Tyson |
| Bromm | Hartnett | Landis | Robinson | Vrtiska |
| Brown | Hilgert | Matzke | Schellpeper | Wehrbein |
| Bruning | Hillman | Maurstad | Schimek | Wesely |
| Chambers | Hudkins | Pedersen, Dw. | Schmitt | Wickersham |
| Coordsen | Janssen | Pederson, D. | Schrock | Will |
| Crosby | Jensen | Peterson, C. | Stuhr | Willhoft |

Voting in the negative, 1:

Witek

Present and not voting, 3:

Brashear Cudaback Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 752A.**

A BILL FOR AN ACT relating to state constitutional officers; to amend sections 75-104, 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska; to change the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and members of the Public Service Commission; to appropriate funds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Hudkins | Raikes | Thompson |
| Beutler | Cudaback | Janssen | Robak | Tyson |
| Bohlke | Dierks | Kiel | Robinson | Vrtiska |
| Brashear | Elmer | Kristensen | Schimek | Wehrbein |
| Brown | Engel | Landis | Schmitt | Wesely |
| Bruning | Hartnett | Matzke | Schrock | Wickersham |
| Chambers | Hilgert | Pederson, D. | Stuhr | Will |
| Coordsen | Hillman | Peterson, C. | Suttle | Willhoft |

Voting in the negative, 6:

| | | | | |
|---|---|---|---|---|
| Bromm | Jones | Pedersen, Dw. | Schellpeper | Witek |
| Jensen | | | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Lynch | Maurstad | Preister |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1219 with 40 ayes, 1 nay, and 8 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1219.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-851, 79-852, 79-854, 79-855, 79-856, 79-857, 79-858, 79-1098, and 79-10,124, Reissue Revised Statutes of Nebraska, sections 79-850, 79-1001, 79-1003,

79-1010, 79-1083.02, 79-10,122, and 84-612, Revised Statutes Supplement, 1997, and section 3, Legislative Bill 1134, Ninety-fifth Legislature, Second Session, 1998; to provide for unified systems; to change provisions relating to the Retirement Incentive Plan, Staff Development Assistance, reorganization incentives, and tax levies; to provide for temporary mitigation funds; to change provisions relating to elections for construction and equipment purchases; to eliminate provisions relating to legislative intent with respect to appropriations; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

| | | | | |
|---|---|---|---|---|
| Bohlke | Elmer | Landis | Preister | Stuhr |
| Brashear | Engel | Lynch | Raikes | Tyson |
| Bromm | Hartnett | Matzke | Robak | Vrtiska |
| Bruning | Hudkins | Maurstad | Robinson | Wehrbein |
| Coordsen | Janssen | Pedersen, Dw. | Schellpeper | Wickersham |
| Cudaback | Jones | Pederson, D. | Schmitt | Willhoft |
| Dierks | Kristensen | Peterson, C. | Schrock | Witek |

Voting in the negative, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Jensen | Suttle | Wesely |
| Beutler | Hilgert | Kiel | Thompson | Will |
| Chambers | Hillman | Schimek | | |

Present and not voting, 1:

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.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1219A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1219, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

| | | | | |
|---|---|---|---|---|
| Brashear | Engel | Lynch | Raikes | Stuhr |
| Bromm | Hartnett | Matzke | Robak | Tyson |
| Bruning | Hudkins | Maurstad | Robinson | Vrtiska |
| Coordsen | Janssen | Pedersen, Dw. | Schellpeper | Wehrbein |
| Cudaback | Jones | Pederson, D. | Schimek | Wickersham |
| Dierks | Kristensen | Peterson, C. | Schmitt | Willhoft |
| Elmer | Landis | Preister | Schrock | Witek |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Hillman | Suttle | Wesely |
| Beutler | Hilgert | Kiel | Thompson | |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Bohlke | Brown | Chambers | Jensen | 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.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1035 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1035.** With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2827.01 and 44-5904, Reissue Revised Statutes of Nebraska, section 44-416.01, Revised Statutes Supplement, 1996, and sections 44-319.01, 44-787, 44-1525, 44-4206.02, 44-4221, 44-4222, 44-4228, 44-5115, 44-5237.01, 44-6904, and 77-2734.03, Revised Statutes Supplement, 1997; to change provisions relating to credit for reinsurance; to define and redefine terms; to change risk-loss trust provisions; to change provisions relating to the Comprehensive Health Insurance Pool; to change examination requirements; to adopt the Unfair Discrimination Against Subjects of Abuse in Insurance Act; to eliminate investment provisions; to change income tax credit provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 44-5150, 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, 49:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Preister | Thompson |
| Beutler | Dierks | Kiel | Raikes | Tyson |
| Bohlke | Elmer | Kristensen | Robak | Vrtiska |
| Brashear | Engel | Landis | Robinson | Wehrbein |
| Bromm | Hartnett | Lynch | Schellpeper | Wesely |
| Brown | Hilgert | Matzke | Schimek | Wickersham |
| Bruning | Hillman | Maurstad | Schmitt | Will |
| Chambers | Hudkins | Pedersen, Dw. | Schrock | Willhoft |
| Coordsen | Janssen | Pederson, D. | Stuhr | Witek |
| Crosby | Jensen | Peterson, C. | Suttle | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1129 with 38 ayes, 2 nays, and 9 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1129.** With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 18-412.01, 70-637, 72-724, 72-725, 72-727 to 72-729.01, 81-173, 81-178, 81-187, 81-1108.10, 81-1108.26, 81-1114, 81-1114.01, 81-1712, and 81-1713, Reissue Revised Statutes of Nebraska, and sections 79-10,105, 81-174, 81-1108.43, and 81-1118, Revised Statutes Supplement, 1997; to change provisions relating to bidding requirements for municipalities and public power districts, the Nebraska Hall of Fame Commission, the Deferred Building Renewal Act, utilities, capital construction, and professional services contracts; to provide for energy financing contracts; to rename a bureau of the Department of Administrative Services; to provide for interfund borrowing and transfers of funds; to create the Governor's Residence Advisory Commission; to appropriate funds; to create the State College Facility Fee Fund; 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, 48:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Raikes | Thompson |
| Beutler | Dierks | Kiel | Robak | Tyson |
| Bohlke | Elmer | Kristensen | Robinson | Vrtiska |
| Brashear | Engel | Landis | Schellpeper | Wehrbein |
| Bromm | Hartnett | Lynch | Schimek | Wesely |
| Brown | Hilgert | Matzke | Schmitt | Wickersham |
| Bruning | Hillman | Pedersen, Dw. | Schrock | Will |
| Chambers | Hudkins | Pederson, D. | Stuhr | Willhoft |
| Coordsen | Janssen | Peterson, C. | Suttle | Witek |
| Crosby | Jensen | Preister | | |

Voting in the negative, 1:

Maurstad

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION - Return LB 1158 to Select File**

Mr. Chambers moved to return LB 1158 to Select File for the following specific amendment:
FA752
Strike enacting clause.

Mr. Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1158.**

A BILL FOR AN ACT relating to laws; to amend sections 24-806 and 49-905, Reissue Revised Statutes of Nebraska; to change nominating provisions for membership on judicial nominating commissions; to change provisions relating to reimbursement for members of the Commission on Uniform State Laws; to change membership 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, 49:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Preister | Thompson |
| Beutler | Dierks | Kiel | Raikes | Tyson |
| Bohlke | Elmer | Kristensen | Robak | Vrtiska |
| Brashear | Engel | Landis | Robinson | Wehrbein |
| Bromm | Hartnett | Lynch | Schellpeper | Wesely |
| Brown | Hilgert | Matzke | Schimek | Wickersham |
| Bruning | Hillman | Maurstad | Schmitt | Will |
| Chambers | Hudkins | Pedersen, Dw. | Schrock | Willhoft |
| Coordsen | Janssen | Pederson, D. | Stuhr | Witek |
| Crosby | Jensen | Peterson, C. | Suttle | |

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 1174.** With Emergency.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-15,102 and 81-15,113.01, Revised Statutes Supplement, 1997; to change provisions relating to the Low-Level Radioactive Waste Disposal Act; to require a study; to state intent regarding funding; 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 | Elmer | Kiel | Preister | Suttle |
| Beutler | Engel | Kristensen | Raikes | Thompson |
| Bohlke | Hartnett | Landis | Robak | Tyson |
| Brashear | Hilgert | Lynch | Robinson | Vrtiska |
| Brown | Hillman | Matzke | Schellpeper | Wehrbein |
| Bruning | Hudkins | Maurstad | Schimek | Wesely |
| Coordsen | Janssen | Pedersen, Dw. | Schmitt | Wickersham |
| Cudaback | Jensen | Pederson, D. | Schrock | Willhoft |
| Dierks | Jones | Peterson, C. | Stuhr | Witek |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---|---|---|---|
| Bromm | Chambers | Crosby | 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 1174A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1174, Ninety-fifth Legislature, Second Session, 1998; to authorize creation of a fund; to transfer 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, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jensen | Peterson, C. | Stuhr |
| Beutler | Dierks | Jones | Preister | Tyson |
| Bohlke | Elmer | Kiel | Raikes | Vrtiska |
| Brashear | Engel | Kristensen | Robak | Wehrbein |
| Bromm | Hartnett | Landis | Robinson | Wesely |
| Brown | Hilgert | Lynch | Schellpeper | Wickersham |
| Bruning | Hillman | Matzke | Schimek | Willhoft |
| Chambers | Hudkins | Pedersen, Dw. | Schmitt | Witek |
| Coordsen | Janssen | Pederson, D. | Schrock | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Crosby | Maurstad | Suttle | Thompson | 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 - Recommit LB 1175 to Committee**

Mrs. Bohlke moved to recommit LB 1175 to the Education Committee.

Pending.

**MOTION - Bracket LB 1175**

Mr. Chambers moved to bracket LB 1175 until 4:30 p.m., April 14, 1998.

Mr. Chambers withdrew his motion to bracket.

**MOTION - Recommit LB 1175 to Committee**

The Bohlke pending motion, found in this day's Journal, to recommit

LB 1175 to the Education Committee, was renewed.

Mrs. Bohlke withdrew her motion to recommit to committee.

**MOTION - Return LB 1175 to Select File**

Mrs. Brown moved to return LB 1175 to Select File for the following specific amendment:
AM4520

(Amendments to Final Reading copy)

1. On page 43, reinstate the stricken matter beginning in line 24 through "and" in line 25 and insert "1999-00 or of" after the reinstated matter; and in lines 26 through 28 reinstate the stricken matter and strike the new matter.

2. On page 46, lines 5, 6, 10, and 11, strike the new matter and reinstate the stricken matter.

3. On page 54, lines 3 and 4, strike the new matter; reinstate the stricken matter beginning in line 5 through "such" in line 11 and after the reinstated matter insert "local systems when"; reinstate the stricken matter beginning in line 12 through "of" in line 13 and after the reinstated matter insert "local systems described in"; in line 13 after "school" insert "fiscal"; and in line 14 reinstate the stricken matter.

4. On page 61, lines 13, 14, and 16 through 18, reinstate the stricken matter.

5. On page 70, lines 10 through 17, strike the new matter and reinstate the stricken matter; and in line 14 after the reinstated "school" insert "fiscal".

6. On page 71, lines 14, 15, and 17 through 23, strike the new matter and reinstate the stricken matter; and in line 16 strike "to" and show as stricken.

Mrs. Brown withdrew her motion to return.

**MOTION - Extend Session**

Mr. Chambers moved, pursuant to Rule 7 (1)(a), to suspend the 60-day limitation and extend the 95th Legislature, Second Session, to and including April 17, 1998; for purposes of further considering LB 1175.

Pending.

**VISITORS**

Visitors to the Chamber were 20 fourth grade students and teacher from Karen Western Elementary School, Omaha; 58 fourth grade students and teachers from Milford; 50 fourth grade students and teachers from York; Arlene, John, Kate, and Lauren Steier from Omaha; 66 fourth grade students and teachers from Rockwell Elementary School, Omaha; and Reinhart Quast, Sven Ewigleben, and Maria Bergmann from Germany, Susan Elting from Davenport, and Lorna Elting from Hebron.

## RECESS

At 12:25 p.m., on a motion by Mr. Landis, the Legislature recessed until 1:45 p.m.

## AFTER RECESS

The Legislature reconvened at 1:47 p.m., Speaker Kristensen presiding.

## ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Bromm, Landis, Preister, Tyson, Will, Mmes. Brown, and Robak who were excused until they arrive.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1998, at 10:55 a.m., were the following bills: LBs 218, 303, 309, and 309A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 14, 1998, at 11:00 a.m., was the following resolution: LR 303CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## MOTION - Extend Session

Mr. Chambers renewed his pending motion, found in this day's Journal, pursuant to Rule 7 (1)(a), to suspend the 60-day limitation and extend the 95th Legislature, Second Session, to and including April 17, 1998; for purposes of further considering LB 1175.

## PRESIDENT ROBAK PRESIDING

Pending.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions and bills: LR 481, LR 482, LBs 341, 341A, 532, 532A, 752A, 1219, 1219A, 1035, 1129, 1158, 1174, and 1174A.

**MOTION - Extend Session**

The Chambers pending motion, found in this day's Journal, pursuant to Rule 7 (1)(a), to suspend the 60-day limitation and extend the 95th Legislature, Second Session, to and including April 17, 1998; for purposes of further considering LB 1175, was renewed.

Messrs. Chambers and Bromm offered the following amendment to Chambers pending motion:
FA754
to add "and whatever Legislative business arises."

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

Mr. Robinson moved the previous question.

The Chair ruled there had not been sufficient debate on the amendment to the motion.

Mr. Robinson raised a point of order on whether he could be recognized to speak on the pending amendment after his motion to cease debate had been ruled out of order.

The Chair ruled that a member could not be recognized to speak after he made a motion to cease debate and that motion was subsequently ruled out of order.

Mr. Robinson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 6 ayes, 12 nays, 30 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The Chambers-Bromm pending amendment, FA754, to the Chambers pending motion, was renewed.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on the Chambers-Bromm amendment.

Voting in the affirmative, 18:

| | | | | |
|---|---|---|---|---|
| Abboud | Elmer | Jensen | Pedersen, Dw. | Suttle |
| Bromm | Engel | Jones | Robak | Wesely |
| Bruning | Hudkins | Lynch | Schimek | Wickersham |
| Chambers | Janssen | Matzke | | |

Voting in the negative, 28:

| | | | | |
|---|---|---|---|---|
| Beutler | Dierks | Landis | Schellpeper | Tyson |
| Bohlke | Hartnett | Pederson, D. | Schmitt | Vrtiska |
| Brashear | Hilgert | Peterson, C. | Schrock | Wehrbein |
| Brown | Hillman | Preister | Stuhr | Willhoft |
| Coordsen | Kiel | Raikes | Thompson | Witek |
| Crosby | Kristensen | Robinson | | |

Present and not voting, 3:

| | | |
|---|---|---|
| Cudaback | Maurstad | Will |

The Chambers-Bromm amendment lost with 18 ayes, 28 nays, and 3 present and not voting.

The Chambers pending motion, found in this day's Journal, pursuant to Rule 7 (1)(a), to suspend the 60-day limitation and extend the 95th Legislature, Second Session, to and including April 17, 1998; for purposes of further considering LB 1175, was renewed.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. Chambers requested a roll call vote on his motion to extend session.

Voting in the affirmative, 17:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Janssen | Matzke | Robak |
| Brashear | Engel | Jensen | Pedersen, Dw. | Suttle |
| Brown | Hartnett | Kiel | Raikes | Wesely |
| Bruning | Hilgert | | | |

Voting in the negative, 31:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Lynch | Schimek | Vrtiska |
| Bohlke | Hillman | Pederson, D. | Schmitt | Wehrbein |
| Bromm | Hudkins | Peterson, C. | Schrock | Wickersham |
| Coordsen | Jones | Preister | Stuhr | Will |
| Crosby | Kristensen | Robinson | Thompson | Willhoft |
| Cudaback | Landis | Schellpeper | Tyson | Witek |
| Dierks | | | | |

Present and not voting, 1:

Maurstad

The Chambers motion to extend session failed with 17 ayes, 31 nays, and 1 present and not voting.

## BILL ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1175 with 40 ayes, 4 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1175.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 23-3305, 72-801, 79-209, 79-213, 79-321, 79-741, 79-1020, 79-1021, 79-1023, 79-1025, 79-1027, 79-1030, 79-1067, 79-1090, 79-1112, 79-1212, 79-1213, 79-1215, and 79-1310, Reissue Revised Statutes of Nebraska, section 43-2515, Revised Statutes Supplement, 1996, sections 29-2264, 79-241, 79-245, 79-458, 79-463, 79-528, 79-1005.01, 79-1007.01, 79-1007.02, 79-1008.01, 79-1008.02, 79-1009, 79-1010, 79-1015.01, 79-1016, 79-1022, 79-1024, 79-1026, 79-1031, 79-1031.01, 79-1032, 79-1033, 79-1036, 79-1065, 79-1070, 79-1083.02, 79-1083.03, 79-1084, 79-1110, 79-1132, 79-1142, 79-1185, 79-1202, and 79-1241, Revised Statutes Supplement, 1997, section 13-508, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998, sections 79-1003 and 79-1018.01, Revised Statutes Supplement, 1997, as amended by sections 42 and 44, respectively, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998, sections 1 and 2, Legislative Bill 1110A, Ninety-fifth Legislature, Second Session, 1998, and section 2, Legislative Bill 1228, Ninety-fifth Legislature, Second Session, 1998; to change provisions relating to probation, federal medicaid funds, truancy, school closing, reorganization of school districts, the assistant commissioner of education in charge of vocational education, educational service units, the statewide public computer information network, and quality education incentive payments; to define and redefine terms; to change and eliminate provisions relating to state aid to schools and school budgets; to provide for temporary mitigation funds; to appropriate funds; to state intent and change appropriation provisions; to eliminate a termination date and statements of legislative intent related to special education; to eliminate duties of the Special Education Accountability Commission; to eliminate provisions relating to a feasibility study and program plan for year-round school operation, the Nebraska School for the Deaf, and membership in educational service units; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 79-506 to 79-509, 79-511, 79-1012, 79-1019, 79-1118, 79-1199, 79-11,101, 79-11,104, 79-11,105, 79-11,107, 79-11,108, and 79-1214, Reissue Revised Statutes of Nebraska, sections 79-510, 79-1005, 79-1007, 79-1008, 79-1011, 79-1014, 79-1015, 79-1017, 79-1181, 79-1184, 79-1187, 79-11,100, 79-11,102, 79-11,103, 79-11,106, and 79-1203, Revised Statutes Supplement, 1997, and section 79-1018, Revised Statutes Supplement, 1997,

as amended by section 43, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Kristensen | Raikes | Suttle |
| Bohlke | Engel | Landis | Robinson | Thompson |
| Bromm | Hartnett | Lynch | Schellpeper | Vrtiska |
| Coordsen | Hillman | Matzke | Schimek | Wehrbein |
| Crosby | Hudkins | Pederson, D. | Schmitt | Wickersham |
| Cudaback | Janssen | Peterson, C. | Schrock | Willhoft |
| Dierks | Jones | Preister | Stuhr | |

Voting in the negative, 8:

| | | | | |
|---|---|---|---|---|
| Abboud | Chambers | Tyson | Will | Witek |
| Bruning | Kiel | Wesely | | |

Present and not voting, 7:

| | | | | |
|---|---|---|---|---|
| Brashear | Hilgert | Maurstad | Pedersen, Dw. | Robak |
| Brown | Jensen | | | |

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 1259 to Select File**

Mr. Abboud moved to return LB 1259 to Select File for the following specific amendment:
FA753
Strike enacting clause.

Mr. Janssen and Mrs. C. Peterson 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?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Abboud withdrew his motion to return.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1259.**

A BILL FOR AN ACT relating to enterprise zones; to amend sections 13-2109 and 13-2110, Reissue Revised Statutes of Nebraska; to change provisions relating to enterprise zone association boards; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 32:

| | | | | |
|---|---|---|---|---|
| Beutler | Elmer | Lynch | Robak | Vrtiska |
| Bohlke | Hartnett | Matzke | Robinson | Wehrbein |
| Bruning | Hillman | Pedersen, Dw. | Schmitt | Wesely |
| Chambers | Hudkins | Pederson, D. | Schrock | Wickersham |
| Coordsen | Kiel | Preister | Stuhr | Will |
| Crosby | Kristensen | Raikes | Thompson | Willhoft |
| Cudaback | Landis | | | |

Voting in the negative, 9:

| | | | | |
|---|---|---|---|---|
| Abboud | Bromm | Jones | Schellpeper | Witek |
| Brashear | Jensen | Maurstad | Tyson | |

Present and not voting, 6:

| | | | | |
|---|---|---|---|---|
| Brown | Engel | Hilgert | Schimek | Suttle |
| Dierks | | | | |

Excused and not voting, 2:

| | |
|---|---|
| Janssen | Peterson, C. |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1266.**

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-105.01, Reissue Revised Statutes of Nebraska, and sections 28-105 and 28-201, Revised Statutes Supplement, 1997; to change penalties for certain felonies; to provide an exemption from capital punishment for persons with mental retardation; to change provisions relating to criminal attempt; 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 | Jones | Raikes | Thompson |
| Beutler | Dierks | Kiel | Robak | Tyson |
| Bohlke | Elmer | Landis | Robinson | Vrtiska |
| Brashear | Engel | Lynch | Schellpeper | Wehrbein |
| Brown | Hartnett | Maurstad | Schimek | Wesely |
| Bruning | Hilgert | Pedersen, Dw. | Schmitt | Wickersham |
| Chambers | Hillman | Pederson, D. | Stuhr | Will |
| Crosby | Hudkins | Preister | Suttle | Willhoft |

Voting in the negative, 2:

| | |
|---|---|
| Bromm | Witek |

Present and not voting, 5:

| | | | | |
|---|---|---|---|---|
| Coordsen | Jensen | Kristensen | Matzke | Schrock |

Excused and not voting, 2:

| | |
|---|---|
| Janssen | Peterson, C. |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 422.**

A BILL FOR AN ACT relating to sentencing; to amend section 29-2523, Reissue Revised Statutes of Nebraska; to change the definition of aggravating circumstances; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Jones | Robak | Tyson |
| Beutler | Elmer | Kristensen | Robinson | Vrtiska |
| Bohlke | Engel | Lynch | Schellpeper | Wehrbein |
| Brashear | Hartnett | Matzke | Schmitt | Wesely |
| Bromm | Hilgert | Maurstad | Schrock | Wickersham |
| Brown | Hillman | Pedersen, Dw. | Stuhr | Will |
| Bruning | Hudkins | Pederson, D. | Suttle | Willhoft |
| Coordsen | Janssen | Preister | Thompson | Witek |
| Cudaback | Jensen | Raikes | | |

Voting in the negative, 2:

Chambers Landis

Present and not voting, 3:

Crosby Kiel Schimek

Excused and not voting, 1:

Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1293 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1293.** With Emergency.

A BILL FOR AN ACT relating to emergency services; to amend section 35-513, Reissue Revised Statutes of Nebraska, and section 35-508, Revised Statutes Supplement, 1996; to adopt the Volunteer Emergency Responders Recruitment and Retention Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Preister | Suttle |
| Bohlke | Dierks | Kiel | Raikes | Thompson |
| Brashear | Elmer | Kristensen | Robak | Tyson |
| Bromm | Engel | Landis | Robinson | Vrtiska |
| Brown | Hartnett | Lynch | Schellpeper | Wehrbein |
| Bruning | Hilgert | Matzke | Schimek | Wickersham |
| Chambers | Hillman | Maurstad | Schmitt | Will |
| Coordsen | Hudkins | Pedersen, Dw. | Schrock | Willhoft |
| Crosby | Janssen | Pederson, D. | Stuhr | |

Voting in the negative, 3:

Beutler Jensen Witek

Present and not voting, 1:

Wesely

Excused and not voting, 1:

Peterson, C.

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 bill was read and put upon final passage:

**LEGISLATIVE BILL 1293A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1293, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Dierks | Kiel | Raikes | Thompson |
| Bohlke | Elmer | Kristensen | Robak | Tyson |
| Bromm | Engel | Landis | Robinson | Vrtiska |
| Brown | Hartnett | Lynch | Schellpeper | Wehrbein |
| Bruning | Hilgert | Matzke | Schimek | Wesely |
| Chambers | Hillman | Maurstad | Schmitt | Wickersham |
| Coordsen | Hudkins | Pedersen, Dw. | Schrock | Will |
| Crosby | Janssen | Pederson, D. | Stuhr | Willhoft |
| Cudaback | Jones | Preister | Suttle | |

Voting in the negative, 3:

Beutler Jensen Witek

Present and not voting, 1:

Brashear

Excused and not voting, 1:

Peterson, C.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1321 with 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1321.** With Emergency.

A BILL FOR AN ACT relating to financial transactions; to amend sections 8-101, 8-113 to 8-115, 8-121, 8-124, 8-126, 8-128, 8-132, 8-159 to 8-162, 8-169, 8-185, 8-187, 8-190, 8-193, 8-197, 8-198, 8-1,102 to 8-1,104, 8-1,116, 8-1,119, 8-1,120, 8-201, 8-203, 8-205 to 8-206, 8-209, 8-211 to 8-215, 8-218, 8-219, 8-222, 8-223, 8-225, 8-229.01, 8-230, 8-355, 8-602, 8-909 to 8-911, 8-1602, 8-1603, 8-2102, 21-17,115, 21-2028, 52-202, 52-203, 52-501, 52-701, 52-902, 52-1001, 52-1003, 52-1004, 52-1008, 52-1102, 52-1202, 52-1307, 52-1312, 52-1313, 52-1315, 54-201, 54-208, 77-3902, and 77-3903, Reissue Revised Statutes of Nebraska, sections 28-612, 30-3209, and 59-1803, Revised Statutes Supplement, 1996, section 52-1316, Revised Statutes Supplement, 1997, and sections 9-303, 9-312, 9-401 to 9-406, 9-408, 9-412 to 9-415, and 9-420, Uniform Commercial Code; to name the Nebraska Banking Act and the Nebraska Trust Company Act; to adopt the Interstate Trust Company Office Act; to revise the powers of savings and loan associations and credit unions; to change provisions relating to banks, investment securities, statutory liens, secured transactions, and lien filings; 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, 49:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Preister | Thompson |
| Beutler | Dierks | Kiel | Raikes | Tyson |
| Bohlke | Elmer | Kristensen | Robak | Vrtiska |
| Brashear | Engel | Landis | Robinson | Wehrbein |
| Bromm | Hartnett | Lynch | Schellpeper | Wesely |
| Brown | Hilgert | Matzke | Schimek | Wickersham |
| Bruning | Hillman | Maurstad | Schmitt | Will |
| Chambers | Hudkins | Pedersen, Dw. | Schrock | Willhoft |
| Coordsen | Janssen | Pederson, D. | Stuhr | Witek |
| Crosby | Jensen | Peterson, C. | Suttle | |

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 1175, 1259, 1266, 422, 1293, and 1293A.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1321A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1321, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Jones | Raikes | Thompson |
| Beutler | Dierks | Kiel | Robak | Tyson |
| Bohlke | Elmer | Kristensen | Robinson | Vrtiska |
| Brashear | Engel | Landis | Schellpeper | Wehrbein |
| Bromm | Hartnett | Lynch | Schimek | Wesely |
| Brown | Hilgert | Matzke | Schmitt | Wickersham |
| Bruning | Hillman | Maurstad | Schrock | Will |
| Chambers | Hudkins | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Janssen | Peterson, C. | Suttle | Witek |
| Crosby | Jensen | Preister | | |

Voting in the negative, 0.

Present and not voting, 1:

Pederson, D.

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 1346.**

A BILL FOR AN ACT relating to villages; to amend sections 17-215, 17-216, and 17-218 to 17-219.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the dissolution of villages; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Kiel | Raikes | Thompson |
| Beutler | Elmer | Kristensen | Robak | Tyson |
| Bohlke | Engel | Landis | Robinson | Vrtiska |
| Bromm | Hartnett | Lynch | Schellpeper | Wehrbein |
| Brown | Hilgert | Matzke | Schimek | Wesely |
| Bruning | Hillman | Maurstad | Schmitt | Wickersham |
| Chambers | Hudkins | Pedersen, Dw. | Schrock | Will |
| Coordsen | Janssen | Peterson, C. | Stuhr | Willhoft |
| Crosby | Jensen | Preister | Suttle | Witek |
| Cudaback | Jones | | | |

Voting in the negative, 0.

Present and not voting, 2:

Brashear Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1354 with 39 ayes, 2 nays, and 8 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1354.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1002, 71-1339, 71-2023, 71-6008, 71-6015, 71-6038, 71-6602, 71-6605, and 79-249, Reissue Revised Statutes of Nebraska, and sections 71-1911, 71-2017.01, 71-2024, and 81-3201, Revised Statutes Supplement, 1997; to clarify the role of regional centers and the provisions of behavioral health services; to state intent; to create a task force; to change provisions relating to the cremation and disposition of the remains of indigent persons;

to adopt the Medication Aide Act; to eliminate provisions relating to care staff members and medication assistants; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-2050 to 71-2055, 71-6009, 71-6501, 71-6701, and 71-6703 to 71-6717, Reissue Revised Statutes of Nebraska, section 83-1227, Revised Statutes Supplement, 1996, and section 71-6702, Revised Statutes Supplement, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Jones | Preister | Suttle |
| Beutler | Dierks | Kiel | Raikes | Thompson |
| Bohlke | Elmer | Kristensen | Robak | Tyson |
| Brashear | Engel | Landis | Robinson | Vrtiska |
| Bromm | Hartnett | Lynch | Schellpeper | Wehrbein |
| Brown | Hilgert | Matzke | Schimek | Wesely |
| Bruning | Hillman | Maurstad | Schmitt | Wickersham |
| Chambers | Hudkins | Pedersen, Dw. | Schrock | Will |
| Coordsen | Janssen | Peterson, C. | Stuhr | Willhoft |
| Crosby | | | | |

Voting in the negative, 1:

Witek

Present and not voting, 2:

Jensen Pederson, D.

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 1354A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1354, Ninety-fifth Legislature, Second Session, 1998.

Whereupon the 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 | Preister | Thompson |
| Beutler | Cudaback | Jones | Raikes | Tyson |
| Bohlke | Dierks | Kiel | Robak | Vrtiska |
| Brashear | Elmer | Kristensen | Robinson | Wehrbein |
| Bromm | Engel | Landis | Schellpeper | Wesely |
| Brown | Hartnett | Lynch | Schimek | Wickersham |
| Bruning | Hilgert | Matzke | Schrock | Will |
| Chambers | Hillman | Maurstad | Stuhr | Willhoft |
| Coordsen | Hudkins | Peterson, C. | Suttle | |

Voting in the negative, 1:

Witek

Present and not voting, 4:

Jensen Pedersen, Dw. Pederson, D. Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1362.** 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, 47:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Preister | Thompson |
| Beutler | Dierks | Kiel | Raikes | Tyson |
| Bohlke | Elmer | Kristensen | Robak | Vrtiska |
| Brashear | Engel | Landis | Schellpeper | Wehrbein |
| Bromm | Hartnett | Lynch | Schimek | Wesely |
| Brown | Hilgert | Matzke | Schmitt | Wickersham |
| Bruning | Hillman | Maurstad | Schrock | Will |
| Chambers | Hudkins | Pedersen, Dw. | Stuhr | Willhoft |
| Coordsen | Janssen | Peterson, C. | Suttle | Witek |
| Crosby | Jensen | | | |

Voting in the negative, 0.

Present and not voting, 2:

Pederson, D. 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.

**MOTION - Bracket LB 1104**

Mr. Wesely moved to bracket LB 1104 until 4:00 p.m., April 14, 1998.

Mr. Wesely withdrew his motion to bracket.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1104 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1104.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 8-1401, 8-1402, 10-139, 13-518, 77-375, 77-686, 77-1759, 77-2701.02, 77-27,144, 77-4101, 77-5003, 77-5005, 77-5009, and 77-5013, Reissue Revised Statutes of Nebraska, sections 77-123, 77-202.03, 77-203, 77-1504, 77-27,187, 77-27,187.01, 77-4901, 77-5001, and 84-612, Revised Statutes Supplement, 1997, sections 77-3442 and 77-3444, Revised Statutes Supplement, 1997, as amended by sections 36 and 38, respectively, Legislative Bill 306, Ninety-fifth Legislature, Second Session, 1998, and section 7, Legislative Bill 695, Ninety-fifth Legislature, Second Session, 1998; to require production of records to the Tax Commissioner; to change provisions relating to property taxation; to change sales tax rate provisions; to change a local option sales tax provision; to redefine terms; to change and eliminate refund provisions; to change levy limitation provisions; to change provisions relating to the Tax Equalization and Review Commission; to change a state aid provision; to provide for a transfer of funds; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-1736.08, Revised Statutes Supplement, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Beutler | Bohlke | Brashear | Bromm |

| | | | | |
|---|---|---|---|---|
| Brown | Hartnett | Kristensen | Raikes | Tyson |
| Bruning | Hilgert | Landis | Robak | Wehrbein |
| Chambers | Hillman | Lynch | Robinson | Wesely |
| Coordsen | Hudkins | Matzke | Schimek | Wickersham |
| Crosby | Janssen | Maurstad | Schmitt | Will |
| Cudaback | Jensen | Pedersen, Dw. | Stuhr | Willhoft |
| Elmer | Jones | Peterson, C. | Suttle | Witek |
| Engel | Kiel | Preister | Thompson | |

Voting in the negative, 2:

Schellpeper Schrock

Present and not voting, 3:

Dierks Pederson, D. 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.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1104A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1104, Ninety-fifth Legislature, Second Session, 1998; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 | Jones | Peterson, C. | Thompson |
| Beutler | Elmer | Kiel | Preister | Tyson |
| Bohlke | Engel | Kristensen | Raikes | Wehrbein |
| Brashear | Hartnett | Landis | Robak | Wesely |
| Bromm | Hilgert | Lynch | Robinson | Wickersham |
| Brown | Hillman | Matzke | Schimek | Will |
| Bruning | Hudkins | Maurstad | Stuhr | Willhoft |
| Chambers | Janssen | Pedersen, Dw. | Suttle | Witek |
| Coordsen | Jensen | | | |

Voting in the negative, 0.

Present and not voting, 7:

Cudaback Dierks Pederson, D. Schellpeper Schmitt

Schrock 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.

**WITHDRAW - Amendment to LB 1028**

Mr. Chambers withdrew his amendment, AM4448, found on page 1725, to LB 1028.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1028.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska, and sections 77-2715.02, 77-2716, and 77-2716.01, Revised Statutes Supplement, 1997; to extend an income tax rate change, an adjustment to income, and changes to personal exemptions; to allow an income tax credit; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Jones | Peterson, C. | Thompson |
| Beutler | Elmer | Kiel | Preister | Tyson |
| Bohlke | Engel | Kristensen | Raikes | Vrtiska |
| Brashear | Hartnett | Landis | Robak | Wehrbein |
| Bromm | Hilgert | Lynch | Robinson | Wesely |
| Brown | Hillman | Matzke | Schmitt | Wickersham |
| Bruning | Hudkins | Maurstad | Schrock | Will |
| Coordsen | Janssen | Pedersen, Dw. | Stuhr | Willhoft |
| Crosby | Jensen | Pederson, D. | Suttle | Witek |

Voting in the negative, 2:

Chambers Schimek

Present and not voting, 2:

Dierks Schellpeper

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 1321, 1321A, 1346, 1354, 1354A, 1362, 1104, 1104A, and 1028.

## RESOLUTION

**LEGISLATIVE RESOLUTION 483.** Introduced by Judiciary Committee: Brashear, 4, Chairperson; Abboud, 12; Chambers, 11; Hudkins, 21; Dw. Pedersen, 39; Robak, 22.

PURPOSE: To initiate a comprehensive study of the court structure in Nebraska. During the last two sessions of the Legislature, numerous bills have come before the Judiciary Committee seeking to change the structure of the court system in various ways. Although some individual proposals merited advancement to General File, the committee has generally taken the position that (1) such restructuring ought not to take place in a "piecemeal" fashion without a comprehensive examination of the entire system and (2) such restructuring ought to primarily advance the effective administration of justice rather than merely seek property tax reduction.

This study shall consider issues presented by the following proposals and related issues:

(a) Consideration of the proper role of each of the courts: With respect to the county courts, the proper jurisdiction thereof and continued making of procedures parallel to district courts; with respect to district courts, the potential for elimination of appellate jurisdiction; with respect to both courts, continued implementation of concurrent jurisdiction in domestic relations matters; with respect to the Court of Appeals, the appropriate role and size thereof, including LR 24CA, LB 573, LB 1021, LB 1283;

(b) Consideration of the proper status and funding of administrative costs and ancillary personnel, including the possibility of merging clerks of the court and creating district attorney and district public defender offices, including LB 216, LB 507, LB 817, LB 818, LB 1218; and

(c) Consideration of the distribution of judicial resources, the appropriate size of judicial districts, and the appropriate electorate for judicial retention elections, including LB 404, LB 1069, LR 310CA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH 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.

## REPORT OF THE EXECUTIVE BOARD

1998 Resolution calling for an Interim Study

LR 483 Interim study of the court structure in Nebraska Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

## PROPOSED RULES CHANGES

Mr. Kristensen offered the following proposed rules changes:
Rule 4, Sec. 1
**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. Individual members shall be limited to eight resolutions per session.

Amend Rule 4, Sec. 5
**Sec. 5. Vote Required for Adoption.** (a) 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.

(b) All resolutions congratulatory in nature or expressing the condolences of the Legislature shall be presumed adopted if after five calendar days, no member requests that the resolution(s) be scheduled on the Speaker's agenda for debate.

Referred to the Rules Committee.

Mr. Kristensen offered the following proposed rule change:
Amend Rule 2, Sec. 3(h)
(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 Legislature Chamber. ~~, the Senate Lounge, and the hallway connecting those areas.~~

Referred to the Rules Committee.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1998, at 1:20 p.m., were the following bills: LBs 341, 341A, 532, 532A, 752A, 1219, 1219A, 1035, 1129, 1158, 1174, and 1174A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

Presented to the Governor on April 14, 1998, at 4:15 p.m., were the following bills: LBs 1175, 1259, 1266, 422, 1293, and 1293A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## MESSAGE FROM THE SECRETARY OF STATE

April 14, 1998

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 9, 1998, LB 1108, your cover letter dated April 9, 1998, and a Certificate signed by Kim Robak, President of the Legislature, the contents of which are as follows:

Legislative Bill 1108, 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 36, Agency 26, Program 424 Developmental Disability Aid, for rate equity.
Section 57, Agency 50, Program 901 system wide Miscellaneous Improvements to Facilities, for miscellaneous fire and life safety improvements to various buildings on the three college Section campuses.

General Fund appropriation contained in Section 58, for FY 98-99.

Furthermore, I hereby acknowledge that LB 1108, 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

dk

## 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 Legislative Bill 1108, 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 36, Agency 26, Program 424 Developmental Disability Aid, for rate equity.
Section 57, Agency 50, Program 901 system wide Miscellaneous Improvements to Facilities, for miscellaneous fire and life safety improvements to various buildings on the three college Section campuses.

General Fund appropriation contained in Section 58, for FY 98-99.

Further, I hereby certify that LB 1108 was filed in the office of the Secretary of State on April 9, 1998, 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 fourteenth day of April in the year of our Lord, one thousand nine hundred and ninety-eight.

(SEAL) Scott Moore, Secretary of State

## UNANIMOUS CONSENT - Add Cointroducers

Mr. Brashear asked unanimous consent to have his name added as cointroducer to LB 1360. No objections. So ordered.

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 1028. No objections. So ordered.

Messrs. Dw. Pedersen, Janssen, Jensen, and Mrs. Witek asked unanimous consent to have their names added as cointroducers to LB 1104. No objections. So ordered.

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 422. No objections. So ordered.

## WITHDRAW - Cointroducer

Mr. Schrock withdrew his name as cointroducer to LB 1104.

## PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1998, at 4:37 p.m., were the following bills: LBs 1321, 1321A, 1346, 1354, 1354A, 1362, 1104, 1104A, and 1028.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

## EASE

The Legislature was at ease from 4:39 p.m. until 4:41 p.m.

## MESSAGES FROM THE GOVERNOR

April 14, 1998

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

Dear Madam President, Mr. Speaker,
and Members of the Legislature:

I am returning LB 1161 and LB 1161A to you without my signature and with my objections.

LB 1161 is a conglomeration of many bills-what has become known as a "Christmas Tree." This ability that the Legislature has for joining many diverse ideas into one bill has both good and bad aspects. The good part for the Legislature is it enables many bills to reach my desk that would otherwise not make it, the bad part for a Governor is that each bill cannot be judged on its own merits but rather on the merits of the entire package.

There are aspects to this LB 1161 that are acceptable. Improving the Leaky Underground Storage Tank fund and providing for third-party claims is a good idea, however, the method chosen for funding this idea is unacceptable. Motor vehicle fuel tax streamlining, placing monitoring wells along the Republican River and scrap tire provisions included in the bill are also laudable goals and if they reached my desk as single bills they probably would have been signed.

However, LB 1161 and 1161A increases spending and taxes by almost $4,000,000 per year. Rather than a one-time infusion of money into the

LUST Fund, a continuous "tax" or "fee" increase is made on all petroleum products.

LB 1161 also needlessly expands state government by retaining the LUST task force and creating a new Geologist Board. There is no showing that the existence of either board is necessary at this time. Further, there appears to be a complete failure of proof that Geologists in some way need regulating.

The bill also needlessly promotes more regulation and bureaucracy. Even if one was to exclude the Geologist portion of the bill, which is nothing but regulation and bureaucracy, aspects of the well-head protection portions and the LUST portions of the bill seemingly take us in the wrong direction. The Department of Environmental Quality (DEQ) should not have to approve areas and controls developed by local well-head protection districts if the goal is to have local control of this issue. Likewise, the requirement to provide briefings on risk-based corrective actions by DEQ is a needless time consuming and bureaucratic exercise.

There was renewed interest during part of the legislative session in the Constitutional provisions in Nebraska prohibiting a bill from containing more than one subject. There appears to be no relation to the motor vehicle fuel tax provisions and the rest of the bill. The bill would, therefore, appear to violate Article III, Section 14 of the Nebraska Constitution.

As I have done for the last eight years, I will continue to fight needless taxation and spending. I will continue to fight needless expansion of state government, more regulation, and more bureaucracy.

I urge members of the Legislature to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 14, 1998

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

Dear Madam President and Senators:

I am returning LB 1063A with my signature and a line item reduction. LB 1063 puts in place the new Children's Health Insurance Program, established in conjunction with the new federal Title XXI program. The bill also provides some relief to families who must access the Comprehensive Health Insurance Program in order to purchase insurance for their children with pre-existing health conditions; and it enables expedited sharing of immunization information with schools and day-care providers.

I am pleased and excited about our ability to assist low income working families to obtain health care coverage for their children. By allowing children to access a medical home where they receive consistent, preventative health care, we are giving them protection against more serious

conditions which can lead to expensive treatment and unnecessary suffering. Plans are underway to make the program as visible as possible, so that those families who need this coverage will learn about it and be quickly and efficiently enrolled.

LB 1063A contains federal funding for the Children's Health Insurance program and Nebraska's match for those dollars, provided through the LB 1070 Health Care Trust Fund. It also contains funds for administering the new program and additional aid money to give the children already on Medicaid the same continuous coverage that new youngsters coming into the program will have. My line-item veto reduces the General Fund appropriation to Program 348 by $1,310,663 in FY 1998-99 and $2, 062,249 in FY 1999-00. Adequate appropriations exist within Health and Human Services-Finance and Support to handle these new obligations without additional General Funds.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 14, 1998

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

Dear Madam President, Mr. Speaker and Members of the Legislature:

I am returning LB 656A to you without my signature and with my objections.

LB 656 contains some good provisions and I support the concept of local control over land use decisions. The formation of the Niobrara Scenic River Local Management Council, as provided in the General Management Plan prepared by the National Park Service, is a significant step by the federal government in recognizing local interests in federal designations.

However, it is inappropriate for the State of Nebraska to fund what is a federally designated component of the Wild and Scenic Rivers System where the ultimate management decisions lie solely in the purview of the National Park Service. I also take issue with the idea of having the State funding decrease to zero over the next three years presumably to allow the federal government time to get their funding mechanism in place. This amounts to a bail out of the federal government's responsibility over the next three years.

I will continue to support local control over land use decisions, but I cannot reconcile the use of State Funds for a federal responsibility.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 14, 1998

Madame President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Madame President, Mr. Speaker,
and Members of the Legislature:

With this letter, I am returning LB 1193A with line-item reductions. These vetoes amount to a total of $75,825 in General Funds for FY1998-99 and FY1999-2000.

There is no clear indication in LB 1193 that the legal work necessary to satisfy the provision of the bill warrants an additional Assistant Attorney General. I believe that the additional costs incurred in carrying out the Legislature's directive can be absorbed by the existing budget.

The Secretary of State's funding to carry out the provisions of LB 1193 has been appropriated from the Corporation Cash Fund, a measure of which I approve. If in the future, the Attorney General determines that additional costs are indeed warranted, then the regular budget process should be followed. At that time, the Legislature may consider an appropriate funding mechanism to carry out this directive.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 14, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1015, 656, 1126, 1126A, 1041, 1041A, 1073, 1073A, 1191, and 1191A were received in my office on April 8, 1998; and Engrossed Legislative Bills 59, 1070A, 1193, 1209, 1209A, 922, 1162, and 1162A were received on April 9, 1998.

These bills were signed by me on April 14, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

**MR. ROBINSON PRESIDING**

## MOTION - Override Veto on LB 1161

Mr. Beutler moved that LB 1161 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

| | | | | |
|---|---|---|---|---|
| Abboud | Cudaback | Janssen | Peterson, C. | Suttle |
| Beutler | Dierks | Jones | Preister | Thompson |
| Bohlke | Elmer | Kiel | Robinson | Tyson |
| Bromm | Engel | Landis | Schimek | Vrtiska |
| Brown | Hartnett | Lynch | Schmitt | Wehrbein |
| Bruning | Hilgert | Matzke | Schrock | Wickersham |
| Coordsen | Hillman | Pedersen, Dw. | Stuhr | Willhoft |
| Crosby | Hudkins | Pederson, D. | | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | | |
|---|---|---|---|---|
| Brashear | Kristensen | Raikes | Schellpeper | Will |
| Chambers | Maurstad | Robak | Wesely | Witek |
| Jensen | | | | |

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**PRESIDENT ROBAK PRESIDING**

## MOTION - Override Veto on LB 1161A

Mr. Beutler moved that LB 1161A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 36:

| | | | | |
|---|---|---|---|---|
| Beutler | Cudaback | Janssen | Pederson, D. | Schrock |
| Bohlke | Elmer | Jones | Peterson, C. | Stuhr |
| Bromm | Engel | Kiel | Preister | Thompson |
| Brown | Hartnett | Landis | Robak | Tyson |
| Bruning | Hilgert | Lynch | Robinson | Vrtiska |
| Coordsen | Hillman | Matzke | Schimek | Wehrbein |
| Crosby | Hudkins | Pedersen, Dw. | Schmitt | Wickersham |

Willhoft

Voting in the negative, 0.

Present and not voting, 13:

| | | | | |
|---|---|---|---|---|
| Abboud | Dierks | Maurstad | Suttle | Will |
| Brashear | Jensen | Raikes | Wesely | Witek |
| Chambers | Kristensen | Schellpeper | | |

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

## MOTION - Override Veto on LB 656A

Mr. Jones moved that LB 656A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

| | | | | |
|---|---|---|---|---|
| Abboud | Crosby | Janssen | Pederson, D. | Schrock |
| Beutler | Cudaback | Jones | Peterson, C. | Stuhr |
| Bohlke | Dierks | Kiel | Preister | Thompson |
| Bromm | Elmer | Landis | Robinson | Tyson |
| Brown | Engel | Matzke | Schimek | Wickersham |
| Bruning | Hartnett | Pedersen, Dw. | Schmitt | Willhoft |
| Coordsen | | | | |

Voting in the negative, 3:

| | | |
|---|---|---|
| Hilgert | Robak | Will |

Present and not voting, 15:

| | | | | |
|---|---|---|---|---|
| Brashear | Hudkins | Lynch | Schellpeper | Wehrbein |
| Chambers | Jensen | Maurstad | Suttle | Wesely |
| Hillman | Kristensen | Raikes | Vrtiska | Witek |

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

## COMMUNICATIONS

April 14, 1998

The Honorable Scott Moore

Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Nelson of LB 1228A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

April 14, 1998

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Nelson of LB 1229A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

April 14, 1998

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Nelson of LB 1193A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

April 14, 1998

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item veto by Governor Nelson of LB 1063A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

April 14, 1998

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 1161 and LB 1161A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1161 and LB 1161A notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

**CERTIFICATE**

Legislative Bill 1161 and Legislative Bill 1161A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, have become law this

fourteenth day of April, 1998.

(Signed) Kim M. Robak
President of the Legislature

**COMMUNICATION**

April 14, 1998

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 656A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 656A notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

**CERTIFICATE**

Legislative Bill 656A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this fourteenth day of April, 1998.

(Signed) Kim M. Robak
President of the Legislature

**MOTION - Notify Governor**

Mr. Maurstad moved that a committee of six be appointed to notify the Governor that the Ninety-Fifth 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 Messrs. Maurstad, Wesely, Will, Robinson, Abboud, and Elmer to serve on said committee.

The committee returned and escorted Governor Ben Nelson to the rostrum where he delivered a message to the members.

**MOTION - Disposition of Bills**

Mr. Will 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.

The motion prevailed.

**MOTION - Committee Records**

Mr. Robinson moved that the chairpersons of committees file with the Clerk of the Legislature committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

**MOTION - Journal, Session Laws, and Indexes**

Mr. Elmer 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 - Sixtieth Day Journal**

Mr. Abboud moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

**MOTION - Adjourn Sine Die**

Mr. Wesely moved that the Ninety-Fifth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 6:35 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

## RECEIVED AFTER ADJOURNMENT

## LEGISLATIVE JOURNAL

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION

### MESSAGE FROM THE GOVERNOR

April 14, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 532, 532A, 1104, 1104A, and 1028 were received in my office on April 14, 1998.

These bills were signed by me on April 14, 1998 and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

### MESSAGE FROM THE SECRETARY OF STATE

April 15, 1998

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 15, 1998, LB 1193A and LB 1063, and your cover letter dated April 14, 1998. The bills were received with the signature of Governor E. Benjamin Nelson but with a line-item reduction.

I hereby acknowledge that LB 1193A and LB 1063, 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

dk

## MESSAGES FROM THE GOVERNOR

April 18, 1998

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 218, 303, 309, 309A, 1219, 1219A, 1035, 1129, 1158, 1174, 1174A, 422, 1321, 1321A, 1346, 1354, 1354A, and 1362 were received in my office on April 14, 1998.

These bills were signed by me on April 18, 1998, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 18, 1998

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

Dear Madam President and Senators:

I am delivering LB 341 and LB 341A to the Secretary of State without my signature and with my objections.

Effective July 1, 1998, LB 341 would remove advocacy, services and regulatory functions for the blind and visually impaired from the Health and Human Services (HHS) system and place them in a separate new state agency, the Commission for the Blind and Visually Impaired. Unfortunately, this is virtually guaranteed to undermine, rather than enhance those very important services.

Separating the service function would cut the new agency off from HHS indirect costs currently being used as match for federal funds. In exchange, less than $20,000 in General Funds is made available, which would cause the forfeiture of at least $100,000 in federal funds. This loss could increase to $600,000 annually in federal funds available for services for the blind, based on the updated estimate of the value of support provided through the

HHS system. Proponents of this measure have asserted that a separate agency will be more successful in securing grants, but it is doubtful that such efforts could close this gap. In addition to losing access to these additional federal funds, a separate agency would also have to assume new costs, such as rent, personnel functions, training, accounting, computer, and legal support, thereby further reducing funds available for services.

In short, LB 341 could send existing programs for the blind into a deficit funding situation. That surely is not what the proponents wish to see happen. All Nebraskans should be concerned about a proposed change in organization that promises one or both of two serious results: fewer services for the blind and visually impaired citizens of our state and major increases in state spending.

I recognize that Nebraska's blind and visually impaired community may feel disadvantaged in state government as a result of not having a separate advocacy agency. Also, there is indeed a risk that a comparatively small program can get "lost" within a much larger agency. I am asking that the HHS System make a priority effort to ensure that the advocacy message of the blind and visually impaired is reinforced. Further, I would call upon the blind and visually impaired to work with the other service functions within HHS to ensure that top-quality, highly responsive services for citizens needing assistance are made available in an integrated, cost effective manner. By continuing the focus on quality and access, and by taking advantage of the breadth and depth of resources available within the HHS network, it will be possible to offer the most effective services for Nebraskans with special needs.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 18, 1998

Madame President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Madame President, Mr. Speaker,
and Members of the Legislature:

With this letter, I am delivering LB 1293 and LB 1293A to the Secretary of State without my signature and with my objections.

Many of our communities and rural areas rely on volunteers for fire and rescue services. The courage and dedication of those committed individuals is noble. Despite those positive aspects, the service benefit created by LB 1293 for volunteer personnel should not be a state financial obligation. In addition, the creation of a new state bureaucracy, the Volunteer Service Award Benefit Review Board, offsets my activities to reduce the size of government.

A retirement benefit designed to encourage the participation of volunteer fire and rescue personnel is an excellent idea. However, such a benefit should be financed by the units of government that receive those services.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 18, 1998

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

Dear Madam President, Mr. Speaker,
and Members of the Legislature:

I signed and delivered LB 1259 to the Secretary of State with a great deal of reservation.

The concept of Enterprise Zones and their benefit to distressed communities in Nebraska is of importance to me.

The purpose of Enterprise Zones was to encourage the growth of business and other economic development in blighted areas. However, since the legislation was past five years ago, the Enterprise Zone Board has faced obstacles which have prevented the Board from achieving its purpose. In an effort to break the log jam standing in the way of the citizens who could benefit from this legislation, I am signing LB 1259.

It is my hope that efforts will continue in the future to improve this legislation.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 18, 1998

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

Dear Madame President, Mr. Speaker
and Members of the Legislature:

I am delivering LB 1175 to the Secretary of State without my signature and with my objections.

I clearly understand LB 1175 is an important piece of legislation for Nebraska's schools, and I fully support the original technical provisions of

this bill and its intentions. However, I cannot support language in LB 1175 which changes the intentions of the State regarding policy to create greater efficiencies in political subdivisions and provide property tax relief for the citizens of Nebraska. I am always concerned with "Christmas tree" bills, and in this case, unfortunately, the last ornament collapsed the whole tree.

LB 1175 changes the formula to calculate state aid to schools and states the Legislature shall "fully fund" the amount certified. This formula alters what I believe Nebraskans expect in encouraging government to explore ways in which to become more efficient. Spending limitations were put into place to provide property tax relief, not to create a tax shift to the State. LB 806 was designed to address the changing financial challenges schools will face, and current statute allows the flexibility the State needs to determine the appropriate spending obligations of the State in the future.

State support for schools has continued to increase, and since 1992, state aid to schools has increased by 86 percent. In FY 1998-99, the State will provide increase of $16,016,250 due to growth in General Fund receipts and $110 million pursuant to LB 806 for a total of over $591 million in state aid to schools. The answer to providing tax relief and creating efficiencies in government cannot be answered by increasing the obligations of the State. The policy decisions regarding the State's obligations to provide additional state aid to schools when the $1 levy limits go into effect in 2001 should be made at that point in time. I believe more consideration is needed before the State should make a policy shift as exists in LB 1175.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 18, 1998

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

Dear Madam President and Senators:

I am delivering LB 752A to the Secretary of State without my signature and with my objections.

LB 752A would provide salary increases ranging from 31 percent to 16 percent to Nebraska's elected constitutional officers effective January 7, 1999. Coming at a time when state government needs to show restraint, those levels of increase, along with the $117,500 annual increase in tax-funded expenditures they require, are unacceptable.

Not only was this proposal not prioritized, it lay dormant for the better part of two legislative sessions. Its absence from the legislative agenda did not arouse public debate. It did not figure in campaign speeches or discussions with voters. All the candidates knew before filing that Nebraska offers modest salaries to those who occupy its most privileged state offices.

Ironically, the proposal, originally known as LB 14, was suddenly propelled to Select File by the very critics of the procedure of gutting an unneeded bill and replacing it with one that is stuck at the bottom of the bill order.

Much is made of the "window of opportunity" represented by a year in which an incumbent Governor is not up for reelection. I see it as a window of responsibility. There are good points on both sides of this important issue, but a meaningful public debate did not occur during the legislative session. The responsible step is to engage the public in a lively discussion of the issues. If a strong case for executive salaries that come closer to those in other states emerges from that public discussion, the Legislature can act with confidence. However, absent broad discussion, it is neither responsible nor good public policy to approve major raises simply because the opportunity is there.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 18, 1998

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

Dear Madame President and Senators:

I am delivering LB 1266 to the Secretary of State with my signature.

LB 1266 provides that the death penalty shall not be imposed upon any person with mental retardation. The bill also provides, for both those currently on death row and those convicted of a capital offense after the effective date of the bill, procedures to obtain a ruling by the court on the matter. After a careful review of this legislation, I have determined signing LB 1266 is in the best interest of the state.

I continue to support the death penalty, and believe it to be an appropriate penalty in certain cases. However, I recognize that certain statutory limitations on the death penalty are necessary to ensure a just application of the law. Imposition of this most severe penalty must be limited to offenders who are the most culpable. Like eleven other states and the federal government (in two separate pieces of legislation in 1988 and 1994), the Nebraska Legislature has determined that the death penalty should not be imposed upon those with mental retardation. I agree, and therefore, I have signed this bill.

Concerns have been expressed that this bill would result in additional delays in death penalty cases. I share these concerns, but I am satisfied that there will be no significant delays as a result of this legislation. With respect to future cases, this bill does not change the number of appeals available. For those currently on death row, a procedural limitation in the bill requires that any motion seeking to preclude the death penalty based on mental

retardation be brought within one hundred twenty days. Should person currently on death row invoke these provisions, the matter, in all likelihood, will be resolved before any additional delay would occur. Further, I have been informed that the Nebraska County Attorneys Association may, if changes are needed to this law, pursue legislation next session.

I would urge the Legislature to take action to address the issue of delays in all capital punishment cases. The Attorney General has rightly noted that "the biggest problem we have with the death penalty in Nebraska today is that there is literally no limit to the number of 'appeals' (actually post-conviction proceedings) that may be filed." Op. Atty. Gen. 97025. With the Attorney General, I supported a bill last session, LB 390, which would have limited the number of post-conviction proceedings which could be filed. I continue to support such legislation and would encourage its adoption.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

## CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Ninety-Fifth Legislature, Second Session.

Patrick J. O'Donnell
Clerk of the Legislature

April 20, 1998
Lincoln, Nebraska

1992

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# LEGISLATIVE JOURNAL

# NINETY-FIFTH LEGISLATURE

# SECOND SESSION

# 1998

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-98

1994

## CHRONOLOGY OF BILLS

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION
## 1998

**LEGISLATIVE BILL 14. By Warner, Withem**

Jan. 7 Title ..... 3
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 14 amended into LB 752A by AM3988)

**LEGISLATIVE BILL 20. By Landis**

Jan. 7 Title ..... 3
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 24. By Maurstad, Stuhr, Jensen, Brown, Engel, Bromm, Hudkins, Vrtiska, Jones, Coordsen, Witek**

Jan. 7 Title ..... 3
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 24A. By Maurstad**

Jan. 7 Title ..... 3
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 27. By Maurstad, Hilgert, Engel, Stuhr, Brown, Lynch, Crosby, Hudkins, Jones, Dierks, Chambers**

Jan. 7 Title ..... 3
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 32. By Vrtiska**

Jan. 7 Title ..... 3
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 33. By Vrtiska, Cudaback**

Jan. 7 Title ..... 3
Jan. 20 Com AM0137 p. 675, First Session, pending.

Chambers FA450 to Com AM0137 pending ..... 347
Jan. 22 Chambers pending FA450 p. 347 to Com AM0137 withdrawn. Com AM0137 p. 675, First Session, adopted. Advanced for Review ..... 372
Jan. 23 Placed on Select File - AM7185 ..... 401
Feb. 5 AM7185 (E & R) adopted. Advanced for Engrossment ..... 544
Feb. 9 Correctly Engrossed ..... 564
Feb. 25 Final Reading w/E 45-0-4 ..... 759
Feb. 25 President signed. Presented to Governor (2/25) ..... 770
Mar. 3 Approved by Governor (3/3) ..... 891

**LEGISLATIVE BILL 38. By Vrtiska**

Jan. 7 Title ..... 4
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 39. By Vrtiska**

Jan. 7 Title ..... 4
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 41. By Kristensen**

Jan. 7 Title ..... 4
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 42. By Coordsen, Kristensen**

Jan. 7 Title ..... 4
Jan. 30 Placed on General File - Com AM2910 ..... 487
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 42 amended into LB 924 by AM3739)

**LEGISLATIVE BILL 45. By Robinson, Lynch**

Jan. 7 Title ..... 4
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 48. By Stuhr, Bromm, Hudkins, Witek**

Jan. 7 Title ..... 4
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 50. By Schimek**

Jan. 7 Title ..... 4
Mar. 18 Placed on General File - Com AM3819 ..... 1130

Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 50 amended into LB 1229 by AM3974)

**LEGISLATIVE BILL 59. By Wehrbein**

Jan. 7 Title ..... 4
Jan. 30 Attorney General's Opinion #98007 to Wehrbein ..... 480
Feb. 20 Vrtiska motion for unanimous consent to bracket to 3/20/98 printed ..... 722
Feb. 23 Vrtiska motion for unanimous consent to bracket to 3/10/98 printed ..... 743
Feb. 25 Vrtiska pending motion p. 722 for unanimous consent to bracket to 3/20/98 withdrawn. Vrtiska pending motion p. 743 for unanimous consent to bracket to 3/10/98. No objections ..... 767
Mar. 23 Executive Board approval of Speaker major proposal ..... 1273
Mar. 25 Com AM0691 p. 1188, First Session, adopted. Vrtiska pending AM1604 p. 1589, First Session, withdrawn. Advanced for Review ..... 1365
Mar. 26 Bruning AM4173 printed ..... 1451
Mar. 26 Placed on Select File - AM7239 (printed separate) ..... 1474
Mar. 26 Chambers AM4193 to AM4173 printed ..... 1480
Mar. 30 Vrtiska AM4244 to AM7239 printed ..... 1532
Mar. 31 AM7239 (E & R) adopted. Bruning pending AM4173 p. 1451 withdrawn. Chambers pending AM4193 p. 1480 lost. Vrtiska pending AM4244 p. 1532 withdrawn. Vrtiska FA670 to AM7239 lost. Beutler FA671 to FA670 withdrawn. Beutler AM4269 to AM7239 pending ..... 1559
Mar. 31 Beutler pending AM4269 p. 1562 lost. Vrtiska AM1620 withdrawn ..... 1575
Apr. 2 Advanced for Engrossment ..... 1688
Apr. 6 Correctly Engrossed ..... 1711
Apr. 7 Wehrbein FA740 printed ..... 1783
Apr. 9 Motion to return to Select File for Wehrbein pending FA740 p. 1783 withdrawn. Final Reading 33-6-10 ..... 1901
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 60. By Wehrbein**

Jan. 7 Title ..... 5
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 63. By Wehrbein**

Jan. 7 Title ..... 5
Mar. 6 Placed on General File - Com AM3560 ..... 948
Mar. 11 Com AM3560 p. 948 adopted.
Advanced for Review ..... 1018
Mar. 17 Placed on Select File - AM7225 ..... 1050
Mar. 19 AM7225 (E & R) adopted.
Advanced for Engrossment ..... 1191
Mar. 20 Correctly Engrossed ..... 1220
Mar. 25 Final Reading 43-0-6 ..... 1352
Mar. 25 President signed ..... 1354
Mar. 25 Presented to Governor (3/25) ..... 1364
Mar. 31 Approved by Governor (3/31) ..... 1571

**LEGISLATIVE BILL 64. By Robinson, Cudaback, Vrtiska**

Jan. 7 Title ..... 5
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 65. By Schrock, Crosby, Engel, Jensen, Suttle**

Jan. 7 Title ..... 5
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 72. By Cudaback, Lynch, Schrock**

Jan. 7 Title ..... 5
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 74. By Brashear, Wehrbein**

Jan. 7 Title ..... 5
Mar. 23 Indefinitely postponed ..... 1240

**LEGISLATIVE BILL 82. By Bohlke, Crosby**

Jan. 7 Title ..... 5
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 83. By Robak, Chambers, Hillman**

Jan. 7 Title ..... 5
Feb. 19 Robak motion to place on General File printed ..... 706
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 84. By Schellpeper**

Jan. 7 Title ..... 6
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 87. By Dw. Pedersen**

Jan. 7 Title ..... 6
Jan. 7 Tyson AM0903 printed ..... 158
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 92. By Schimek**

Jan. 7 Title ..... 6
Feb. 19 Placed on General File - Com AM2943 ..... 700
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 92 amended into LB 1073 by AM3469)

**LEGISLATIVE BILL 93. By Robak, Bromm, Cudaback, Schellpeper, Dierks**

Jan. 7 Title ..... 6
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 95. By Crosby**

Jan. 7 Title ..... 6
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 100. By Will, Chambers**

Jan. 7 Title ..... 6
Feb. 20 Placed on General File ..... 722
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 102. By Coordsen, Bromm, Chambers, Engel, Kristensen, McKenzie, Dw. Pedersen, Vrtiska, Wehrbein, Withem**

Jan. 7 Title ..... 6
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 104. By Abboud, Jensen, Lynch, Dw. Pedersen, Suttle**

Jan. 7 Title ..... 6
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 109. By Brown, Hilgert, Kiel**

Jan. 7 Title ..... 7
Jan. 15 Chambers FA446, FA447, FA448 to Com AM0116

and motion to indefinitely postpone printed ..... 336
Jan. 20 Preister pending AM0738 p. 849, First Session, withdrawn. Preister pending AM0878 p. 984, First Session, adopted. Chambers pending FA446 p. 336 withdrawn ..... 341
Jan. 20 Chambers pending FA447 and FA448 p. 336 withdrawn. Com AM0116 p. 640, First Session, adopted as amended. Chambers pending motion p. 336 to indefinitely postpone withdrawn. Advanced for Review ..... 343
Jan. 22 Placed on Select File - AM7180 ..... 390
Feb. 5 AM7180 (E & R) adopted. Brown AM3002 adopted. Advanced for Engrossment ..... 544
Feb. 9 Correctly Engrossed ..... 564
Feb. 9 ER9115 change ..... 565
Feb. 25 Final Reading 43-0-6 ..... 759
Feb. 25 President signed. Presented to Governor (2/25) ..... 770
Mar. 3 Approved by Governor (3/3) ..... 891

**LEGISLATIVE BILL 120. By Janssen, Schellpeper**

Jan. 7 Title ..... 7
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 124. By Lynch, Hartnett, Hilgert, Preister, Schimek**

Jan. 7 Title ..... 7
Feb. 23 Speaker priority bill ..... 744
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 125. By Brown, Bromm, Bruning, Engel, Hartnett, Hudkins, Jensen, Jones, Kiel, Lynch, Maurstad, Dw. Pedersen, Robak, Robinson, Schmitt, Stuhr, Vrtiska, Wehrbein, Will**

Jan. 7 Title ..... 7
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 125A. By Brown**

Jan. 7 Title ..... 7
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 127. By Will**

Jan. 7 Title ..... 7
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 131. By Bromm, Crosby, Schimek**

Jan. 7 Title ..... 7
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 132. By Bohlke**

Jan. 7 Title ..... 8
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 134. By Abboud**

Jan. 7 Title ..... 8
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 135. By Beutler**

Jan. 7 Title ..... 8
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 146. By Schmitt, Dierks**

Jan. 7 Title ..... 8
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 148. By Kristensen**

Jan. 7 Title ..... 8
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 155. By Jones, Schmitt**

Jan. 7 Title ..... 8
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 160. By Hudkins, Jones, Tyson, Vrtiska**

Jan. 7 Title ..... 8
Feb. 2 Hudkins-Hartnett-Wickersham AM2822 printed ..... 507
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 162. By Schmitt, Chambers**

Jan. 7 Title ..... 8
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 164. By Wehrbein, Stuhr, Coordsen, Bromm, Jones, Hillman, Warner, Vrtiska, Hudkins**

Jan. 7 Title ..... 9
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 171. By Landis, Warner**

Jan. 7 Title ..... 9
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 172. By Natural Resources Committee**

Jan. 7 Title ..... 9
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 176. By Revenue Committee**

Jan. 7 Title ..... 9
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 177. By Revenue Committee**

Jan. 7 Title ..... 9
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 178. By Wickersham, Coordsen, Kristensen, Warner, Hartnett, Schellpeper, Will**

Jan. 7 Title ..... 10
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 181. By Wickersham, Coordsen, Landis, Warner, Will**

Jan. 7 Title ..... 10
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 186. By McKenzie, Witek**

Jan. 7 Title ..... 10
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 189. By Dierks, Jones**

Jan. 7 Title ..... 10
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 191. By Dierks**

Jan. 7 Title ..... 10
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 192. By Dierks**

Jan. 7 Title ..... 10
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 198. By Warner, Coordsen**

Jan. 7 Title ..... 10
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 203. By Abboud, Jones, Dw. Pedersen, Robak**

Jan. 7 Title ..... 11
Jan. 13 Witek name added ..... 277
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 204. By Abboud, Jones, Dw. Pedersen, Robak**

Jan. 7 Title ..... 11
Jan. 13 Witek name added ..... 277
Jan. 22 Abboud motion to suspend rules and vote on advancement of bill printed ..... 370
Jan. 30 Abboud priority bill ..... 492
Feb. 10 Abboud AM2785 to Com AM2323 printed ..... 583
Feb. 12 Jensen name added ..... 625
Feb. 13 Com AM2323 p. 2130, First Session, adopted as amended by Abboud pending AM2785 p. 583. Abboud pending motion p. 370 to suspend rules and vote on advancement of bill withdrawn. Beutler FA493 adopted. Advanced for Review ..... 639
Feb. 18 Placed on Select File - AM7205 ..... 663
Feb. 24 Wesely AM3194 printed separate ..... 748
Feb. 26 AM7205 (E & R) adopted. Wesely pending AM3194 p. 748 withdrawn. Advanced for Engrossment ..... 794
Feb. 27 Correctly Engrossed ..... 824
Mar. 3 Bruning name added ..... 878
Mar. 11 Will AM3644 printed ..... 1008
Mar. 24 Will AM3915 printed ..... 1293
Mar. 30 Wesely AM4006 printed separate ..... 1551
Mar. 31 Will pending AM3644 and AM3915 p. 1008 and p. 1293 withdrawn ..... 1556
Mar. 31 Motion to return to Select File for Wesely pending AM4006 p. 1551 withdrawn.

Final Reading 41-1-7 ..... 1557
Mar. 31 President signed ..... 1559
Mar. 31 Suttle explanation of vote.
Presented to Governor (3/31) ..... 1568
Apr. 6 Approved by Governor (4/6) ..... 1755

**LEGISLATIVE BILL 204A. By Abboud**

Feb. 26 Read first time.
Placed on General File ..... 784
Mar. 3 Advanced for Review ..... 861
Mar. 3 Placed on Select File ..... 877
Mar. 17 Advanced for Engrossment ..... 1055
Mar. 17 Correctly Engrossed ..... 1080
Mar. 31 Final Reading 38-1-10 ..... 1558
Mar. 31 President signed ..... 1559
Mar. 31 Presented to Governor (3/31) ..... 1568
Apr. 6 Approved by Governor (4/6) ..... 1755

**LEGISLATIVE BILL 207. By Witek, Crosby, Dierks, Hilgert, Hudkins, Jones, Preister, Stuhr, Warner, Schimek**

Jan. 7 Title ..... 11
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 208. By Preister**

Jan. 7 Title ..... 11
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 209. By Wickersham, Bohlke**

Jan. 7 Title ..... 11
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 211. By Dierks, Vrtiska**

Jan. 7 Title ..... 11
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 213. By Maurstad**

Jan. 7 Title ..... 11
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 214. By Maurstad**

Jan. 7 Title ..... 11
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 215. By Vrtiska**

Jan. 7 Title ..... 11
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 218. By Maurstad, Brown**

Jan. 7 Title ..... 12
Feb. 20 Maurstad priority bill ..... 722
Mar. 30 Maurstad-Brashear-Brown AM4189 printed separate ... 1533
Apr. 6 Maurstad et al. pending AM4189 p. 1533 adopted. Advanced for Review ..... 1755
Apr. 6 Jensen name added ..... 1775
Apr. 7 Placed on Select File - AM7261 (printed separate) ..... 1792
Apr. 7 Brashear AM4474 to AM7261 printed ..... 1804
Apr. 7 Maurstad AM4206 to AM4189 printed ..... 1807
Apr. 8 AM7261 (E & R) adopted. Brashear pending AM4474 p. 1804 adopted. Maurstad pending AM4206 p. 1807 ruled not germane. Dw. Pedersen FA748 (on file) to AM4206 withdrawn. Maurstad motion to overrule Chair withdrawn. Advanced for Engrossment ..... 1849
Apr. 8 Correctly Engrossed. ER9167 change ..... 1892
Apr. 14 Dispensing of reading at large approved. Final Reading 44-2-3 ..... 1935
Apr. 14 President signed ..... 1942
Apr. 14 Presented to Governor (4/14) ..... 1953
Apr. 20 Approved by Governor (4/18) ..... 1986
(Provisions/portions of LB 969 amended into LB 218 by AM4474)
(Provisions/portions of LB 1102 amended into LB 218 by AM4189)

**LEGISLATIVE BILL 219. By Witek**

Jan. 7 Title ..... 12
Feb. 10 Indefinitely postponed ..... 573

**LEGISLATIVE BILL 225. By Hilgert, Lynch, Preister, Suttle**

Jan. 7 Title ..... 12
Jan. 14 Hilgert priority bill ..... 291
Feb. 5 Hilgert-Coordsen AM3027 printed separate ..... 552
Feb. 9 Com AM1068 p. 1111, First Session, lost. Hilgert-Coodsen pending AM3027 p. 552 adopted. Advanced for Review ..... 562
Feb. 10 Placed on Select File - AM7199 ..... 575
Feb. 18 AM7199 (E & R) adopted.

Advanced for Engrossment ..... 668
Feb. 19 Correctly Engrossed ..... 697
Mar. 30 Dispensing of reading at large approved.
Final Reading 46-0-3 ..... 1508
Mar. 30 Speaker signed ..... 1513
Mar. 30 Presented to Governor (3/30) ..... 1516
Apr. 6 Approved by Governor (4/3) ..... 1716

**LEGISLATIVE BILL 227. By Robak**

Jan. 7 Title ..... 12
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 228. By Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem**

Jan. 7 Title ..... 12
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 231. By Wickersham**

Jan. 7 Title ..... 12
Mar. 23 Indefinitely postponed ..... 1240

**LEGISLATIVE BILL 233. By Brashear**

Jan. 7 Title ..... 13
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 234. By Brashear**

Jan. 7 Title ..... 13
Jan. 23 Com AM0493 p. 773, First Session, adopted as amended by Brashear pending AM0838 p. 938, First Session. Advanced for Review ..... 398
Jan. 26 Placed on Select File - AM7188 ..... 411
Feb. 2 Abboud name added ..... 508
Feb. 5 AM7188 (E & R) adopted.
Advanced for Engrossment ..... 554
Feb. 9 Correctly Engrossed ..... 564
Feb. 25 Returned to Select File for Brashear AM3315. Brashear AM3315 adopted.
Advanced for Reengrossment ..... 764
Feb. 26 Correctly Reengrossed. ER9122 change ..... 784
Mar. 20 Final Reading 40-1-8 ..... 1211
Mar. 20 Speaker signed ..... 1215
Mar. 20 Presented to Governor (3/20) ..... 1218
Mar. 25 Approved by Governor (3/25) ..... 1390
(Provisions/portions of LB 970 amended into LB 234 by AM3315)

(Provisions/portions of LB 1224 amended into LB 234 by AM3315)
(Provisions/portions of LB 1225 amended into LB 234 by AM3315)

**LEGISLATIVE BILL 235. By Brashear**

Jan. 7 Title ..... 13
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 237. By Hudkins, Bromm, Dierks, Elmer, Schrock**

Jan. 7 Title ..... 13
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 239. By Crosby, Dierks, Hudkins, Jensen, Jones, Preister, Schrock, Vrtiska, Wehrbein**

Jan. 7 Title ..... 13
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 241. By Hilgert, Tyson, Will**

Jan. 7 Title ..... 13
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 243. By Robak**

Jan. 7 Title ..... 13
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 244. By Hilgert, Bromm, Will**

Jan. 7 Title ..... 13
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 245. By Hilgert, Will**

Jan. 7 Title ..... 14
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 249. By General Affairs Committee**

Jan. 7 Title ..... 14
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 249A. By Schellpeper**

Jan. 7 Title ..... 14
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 252. By Janssen, Bromm**

Jan. 7 Title ..... 14
Jan. 20 Janssen AM2790 printed ..... 339
Jan. 21 Brown AM0854 to Com AM0497 printed ..... 367
Jan. 23 Bromm request for germaneness ruling. Brown pending AM0854 p. 367 and Chambers FA452 to Com AM0497 withdrawn. Com AM0497 p. 806, First Session, adopted. Janssen pending AM2790 p. 339 adopted. Chambers motion to indefinitely postpone laid over ..... 399
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 259. By Wesely**

Jan. 7 Title ..... 14
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 259A. By Wesely**

Jan. 7 Title ..... 14
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 260. By Wesely**

Jan. 7 Title ..... 14
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 260A. By Wesely**

Jan. 7 Title ..... 15
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 262. By Dierks**

Jan. 7 Title ..... 15
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 265. By Brown, Cudaback, Jensen, Lynch, Maurstad, Dw. Pedersen**

Jan. 7 Title ..... 15
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 266. By Brown, Dw. Pedersen, Schimek**

Jan. 7 Title ..... 15
Feb. 10 Indefinitely postponed ..... 573

**LEGISLATIVE BILL 276. By Landis, Hartnett, Preister, Will**

Jan. 7 Title ..... 15
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 280. By Jensen, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hartnett, Hilgert, Hudkins, Janssen, Jones, Kristensen, Matzke, Maurstad, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Robak, Schellpeper, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek, Brashear**

Jan. 7 Title ..... 15
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 281. By Dw. Pedersen, Bruning, Hartnett, Matzke, Schmitt, Withem, Tyson, Kiel, Stuhr**

Jan. 7 Title ..... 15
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 282. By Coordsen**

Jan. 7 Title ..... 16
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 283. By Withem, Jensen, D. Pederson**

Jan. 7 Title ..... 16
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 286. By Kristensen**

Jan. 7 Title ..... 16
Jan. 30 Indefinitely postponed ..... 488

**LEGISLATIVE BILL 290. By Witek**

Jan. 7 Title ..... 16
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 291. By Witek**

Jan. 7 Title ..... 16
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 293. By Robak**

Jan. 7 Title ..... 16
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 296. By Robak, Lynch, Schimek, Hartnett**

Jan. 7 Title ..... 16
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 297. By Natural Resources Committee**

Jan. 7 Title ..... 16
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 299. By Lynch**

Jan. 7 Title ..... 17
Jan. 23 Com AM0464 p. 813, First Session, adopted.
Suttle pending AM0824 p. 1381, First
Session, withdrawn. Advanced for Review ..... 400
Jan. 26 Placed on Select File - AM7189 ..... 424
Feb. 5 AM7189 (E & R) adopted.
Advanced for Engrossment ..... 554
Feb. 9 Correctly Engrossed ..... 564
Feb. 25 Final Reading 43-0-6 ..... 760
Feb. 25 President signed.
Presented to Governor (2/25) ..... 770
Mar. 3 Approved by Governor (3/3) ..... 891
(Provisions/portions of LB 298 amended into LB 299 by AM0464)

**LEGISLATIVE BILL 300. By Lynch**

Jan. 7 Title ..... 17
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 301. By Withem, Brown, Hillman, Janssen, Dw. Pedersen, C. Peterson, Suttle**

Jan. 7 Title ..... 17
Jan. 7 Suttle AM2752 printed ..... 158
Jan. 29 Thompson name added ..... 478
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 302. By Brashear, Abboud, Beutler, Bromm, Bruning, Hilgert, Kristensen, Matzke, D. Pederson, Wickersham, Will**

Jan. 7 Title ..... 17
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 303. By Hartnett, Brown, Jensen**

Jan. 7 Title ..... 17
Feb. 2 Hilgert name added ..... 508
Apr. 7 Chambers pending FA118 p. 1266, First Session, withdrawn. Hilgert pending AM2650 p. 2672, First Session, withdrawn. Advanced for Engrossment ..... 1815
Apr. 8 Correctly Engrossed ..... 1843
Apr. 14 Final Reading w/E 46-0-3 ..... 1936
Apr. 14 President signed ..... 1942
Apr. 14 Presented to Governor (4/14) ..... 1953
Apr. 20 Approved by Governor (4/18) ..... 1986

**LEGISLATIVE BILL 306. By Warner, Schellpeper**

Jan. 7 Title ..... 17
Jan. 8 Schellpeper-Wickersham-Hartnett-Landis-Coordsen-Raikes-Will-C. Peterson printed separate ..... 183
Jan. 26 Revenue Committee AM2828 printed separate ..... 426
Jan. 28 Speaker priority bill ..... 456
Jan. 29 Schellpeper et al. pending FA206 p. 1762, First Session, withdrawn. Schellpeper remaining portions of pending AM1808 p. 1749, First Session, withdrawn. Tyson pending FA199 p. 1723, First Session, withdrawn. Tyson-Maurstad pending AM1816 p. 1767, First Session, withdrawn. Maurstad pending AM1684 p. 1767, First Session, withdrawn. Withem pending FA201 and FA203 p. 1767, First Session, withdrawn. Janssen pending AM1821 p. 1768, First Session, withdrawn. Beutler pending p. 1771, First Session, withdrawn. Schellpeper et al. pending AM2751 p. 183 withdrawn. Com AM1256 p. 1304, First Session, adopted as amended by Revenue Committee pending AM2828 p. 426. Advanced for Review ..... 461
Feb. 2 Placed on Select File - AM7195 ..... 498
Feb. 3 Revenue Committee AM2968 printed separate ..... 518
Feb. 5 AM7195 (E & R) adopted. Revenue Committee pending AM2968 p. 518 adopted. Advanced for Engrossment ..... 543
Feb. 9 Correctly Engrossed ..... 564
Feb. 9 ER9117 change ..... 565
Feb. 12 Final Reading w/E 42-1-6 ..... 609
Feb. 12 Speaker signed ..... 610
Feb. 13 Presented to Governor (2/12)

Approved by Governor (2/12) ..... 627
Feb. 23 Speaker priority bill ..... 744
(Provisions/portions of LB 935 amended into LB 306 by AM2968)
(Provisions/portions of LB 994 amended into LB 306 by AM2828)
(Provisions/portions of LB 1054 amended into LB 306 by AM2968)
(Provisions/portions of LB 1153 amended into LB 306 by AM2828)

**LEGISLATIVE BILL 309. By Transportation Committee, Crosby**

Jan. 7 Title ..... 17
Jan. 30 Bromm priority bill ..... 483
Feb. 12 Will AM2816 to Com AM0767 printed ..... 617
Feb. 13 Chair sustained request for division of question on Com AM0767 p. 996, First Session. Com FA495 (1st) pending. Beutler FA499 to Com FA495 (1st) lost. Chambers FA500 to Com FA495 (1st) pending ..... 641
Feb. 19 Chambers pending FA500 p. 642 to Com FA495 (1st) pending ..... 694
Feb. 19 Chambers pending FA500 p. 642 to Com FA495 (1st) withdrawn. Beutler FA511 to Com FA495 (1st) adopted. Chambers FA512 to Com FA495 (1st) lost. Chambers FA514 to Com FA495 (1st) withdrawn. Bromm AM3190 to Com FA495 (1st) adopted. Com FA495 (1st) adopted as amended. Com FA496 (2nd) and Com FA497 (3rd) adopted. Will pending AM2816 p. 617 and Dw. Pedersen pending AM1259 p. 1300, First Session, withdrawn. Com FA498 (4th) adopted. Advanced for Review ..... 698
Feb. 23 Placed on Select File - AM7206 (printed separate) ..... 741
Mar. 3 Bromm AM3401 to AM7206 printed ..... 865
Mar. 3 Will AM3431 to AM7206 printed ..... 884
Mar. 5 Dw. Pedersen AM3528 to AM7206 printed ..... 934
Mar. 6 Chambers AM3305 to AM7206 printed. Dw. Pedersen AM3572 to AM3431 printed ..... 947
Mar. 17 AM7206 (E & R) adopted. Bromm unanimous consent to replace pending AM3401 p. 865 with substitute amendment. No objections. Bromm AM3401 p. 865 withdrawn. Bromm substitute AM3810 to AM7206 adopted. Will pending AM3431 p. 884 adopted as amended by Dw. Pedersen pending AM3572 p. 947. Chambers pending AM3305 p. 947 withdrawn. Chambers AM3818 and Abboud AM3765 to AM7206 adopted. Bromm-Coordsen-Elmer-Dw. Pedersen-Matzke-Thompson AM3629 (on file) adopted. Dw. Pedersen pending

AM3528 p. 934 withdrawn ..... 1080
Mar. 17 Chambers FA591 to AM7206 adopted as amended by Bromm FA592. Chambers FA593 to AM7206 adopted. Advanced for Engrossment ..... 1099
Mar. 17 Kiel AM3833 to AM7206 printed ..... 1108
Mar. 17 Abboud name added ..... 1112
Mar. 24 Bromm AM4047 printed ..... 1290
Mar. 26 Returned to Select File for Bromm pending AM4047 p. 1290 prevailed. Bromm AM4047 p. 1290 adopted. Advanced for Engrossment ..... 1452
Mar. 26 Kiel pending AM3833 p. 1108 withdrawn ..... 1453
Mar. 31 Correctly Engrossed. ER9131 change ..... 1562
Apr. 1 Bromm AM4334 printed ..... 1647
Apr. 8 Returned to Select File for Bromm pending AM4334 p. 1647 adopted. Advanced for Reengrossment ..... 1845
Apr. 8 Correctly Reengrossed ..... 1851
Apr. 14 Dispensing of reading at large approved. Final Reading w/E 47-2-0 ..... 1940
Apr. 14 President signed ..... 1942
Apr. 14 Presented to Governor (4/14) ..... 1953
Apr. 20 Approved by Governor (4/18) ..... 1986
(Provisions/portions of LB 377 amended into LB 309 by AM3431)
(Provisions/portions of LB 1057 amended into LB 309 by AM3629)

**LEGISLATIVE BILL 309A. By Bromm**

Mar. 24 Read first time. Placed on General File ..... 1295
Mar. 26 Advanced for Review ..... 1452
Mar. 26 Placed on Select File ..... 1474
Mar. 30 Advanced for Engrossment ..... 1501
Mar. 31 Correctly Engrossed ..... 1562
Apr. 14 Final Reading 46-1-2 ..... 1941
Apr. 14 President signed ..... 1942
Apr. 14 Presented to Governor (4/14) ..... 1953
Apr. 20 Approved by Governor (4/18) ..... 1986

**LEGISLATIVE BILL 313. By Natural Resources Committee**

Jan. 7 Title ..... 18
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 316. By Matzke**

Jan. 7 Title ..... 18
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 318. By Bromm, Preister**

Jan. 7 Title ..... 18
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 319. By Bromm**

Jan. 7 Title ..... 18
Jan. 29 Indefinitely postponed ..... 476

**LEGISLATIVE BILL 320. By Bohlke, Crosby, Engel, Kristensen**

Jan. 7 Title ..... 18
Jan. 9 Engel priority bill ..... 187
Jan. 15 Bohlke AM2768 to Com AM0856 printed ..... 334
Jan. 26 Bohlke AM2866 to Com AM0856 adopted. Chambers FA455 to Com AM0856 adopted ..... 416
Jan. 26 Bohlke pending AM2768 p. 334 lost ..... 425
Jan 26 Chambers FA454, FA456, and Coordsen FA457 to Com AM0856 printed ..... 426
Jan. 27 Chambers pending FA454 p. 426 to Com AM0856 adopted. Chambers unanimous consent to replace pending FA456 p. 426 with substitute amendment. No objections. Chambers FA456 p. 426 withdrawn. Bromm substitute FA459 to Com AM0856 adopted. Hudkins FA460 and Coordsen pending FA457 p. 426 to Com AM0856 withdrawn. Bohlke FA461 and AM2882 to Com AM0856 adopted. Com AM0856 p. 996, First Session, adopted as amended. Advanced for Review ..... 432
Jan. 27 Beutler AM2884 and AM2885 printed ..... 440
Jan. 29 Placed on Select File - AM7193 (printed separate) ..... 471
Feb. 5 Chambers AM3017 printed ..... 552
Feb. 11 Bromm-Schellpeper-Matzke-Coordsen-Dw. Pedersen-Elmer-Bohlke-C. Peterson-Thompson AM3031 to AM7193 printed ..... 604
Feb. 17 AM7193 (E & R) adopted. Beutler pending AM2884 and AM2885 p. 440 withdrawn. Chair sustained request for division of question on Chambers pending AM3017 p. 552. Chambers FA501 (1st) and FA502 (2nd) adopted ..... 650
Feb. 17 Bromm et al. pending AM3031 p. 604 adopted. Bohlke AM3158 to AM7193 adopted. Advanced for Engrossment ..... 656
Feb. 17 Jensen name added ..... 661
Feb. 19 Correctly Engrossed. ER9120 change ..... 697
Feb. 26 Bromm-Bohlke AM3368 printed ..... 799
Feb. 27 Returned to Select File for Bromm-Bohlke

pending AM3368 p. 799. Bromm-Bohlke
AM3368 adopted. Advanced for Reegrossment ..... 810
Feb. 27 Returned to Select File for Chambers
FA533. Chambers FA533 adopted.
Advanced for Reengrossment ..... 811
Mar. 2 Correctly Reengrossed. ER9124 change ..... 853
Apr. 1 Dispensing of reading at large approved.
Final Reading 39-6-4 ..... 1618
Apr. 1 Speaker signed ..... 1621
Apr. 1 Presented to Governor (4/1) ..... 1625
Apr. 7 Approved by Governor (4/7) ..... 1833

**LEGISLATIVE BILL 320A. By Bohlke**

Feb. 10 Read first time.
Placed on General File ..... 584
Feb. 13 Advanced for Review ..... 629
Feb. 17 Placed on Select File ..... 660
Mar. 4 Bohlke AM3389 printed ..... 905
Mar. 5 Bohlke pending AM3389 p. 905 adopted.
Advanced for Engrossment ..... 912
Mar. 5 Correctly Engrossed ..... 923
Apr. 1 Final Reading 43-3-3 ..... 1619
Apr. 1 Speaker signed ..... 1621
Apr. 1 Presented to Governor (4/1) ..... 1625
Apr. 7 Approved by Governor (4/7) ..... 1833

**LEGISLATIVE BILL 321. By Schimek, Beutler, Brashear**

Jan. 7 Title ..... 19
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 323. By Wesely, Beutler, Bromm, Brown, Crosby, Cudaback, Engel, Hilgert, Hudkins, Jensen, Jones, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Suttle, Will**

Jan. 7 Title ..... 19
Feb. 19 Placed on General File - Com AM2705
(printed separate) ..... 695
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 324. By Wesely**

Jan. 7 Title ..... 19
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 329. By Schellpeper**

Jan. 7 Title ..... 19
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 331. By Chambers**

Jan. 7 Title ..... 19
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 334. By Matzke, Elmer, Wickersham**

Jan. 7 Title ..... 19
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 337. By Crosby**

Jan. 7 Title ..... 20
Feb. 26 Placed on General File - Com AM3204 ..... 783
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 337 amended into LB 1191 by AM3754)

**LEGISLATIVE BILL 340. By Crosby**

Jan. 7 Title ..... 20
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 340A. By Crosby**

Jan. 7 Title ..... 20
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 341. By Crosby, Lynch, Dw. Pedersen, Will, Witek**

Jan. 7 Title ..... 20
Jan. 13 Preister name added ..... 285
Feb. 23 Speaker priority bill ..... 744
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Mar. 31 Will pending motion p. 946 to indefinitely postpone withdrawn. Crosby AM4293 adopted. Advanced for Review ..... 1584
Mar. 31 Wesely motion to indefinitely postpone printed ..... 1584
Apr. 1 Placed on Select File - AM7246 (printed separate) ..... 1665
Apr. 7 AM7246 (E & R) adopted. Wesely pending motion p. 1584 to indefinitely postpone withdrawn. Advanced for Engrossment ..... 1824
Apr. 8 Correctly Engrossed ..... 1843
Apr. 14 Final Reading w/E 35-9-5 ..... 1941

Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Returned by Governor without approval (4/18) ..... 1986

**LEGISLATIVE BILL 341A. By Crosby**

Apr. 1 Read first time.
Placed on General File ..... 1648
Apr. 2 Advanced for Review ..... 1675
Apr. 2 Placed on Select File - AM7252 ..... 1707
Apr. 7 AM7252 (E & R) adopted.
Advanced for Engrossment ..... 1824
Apr. 8 Correctly Engrossed ..... 1843
Apr. 14 Final Reading w/E 35-6-8 ..... 1942
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Returned by Governor without approval (4/18) ..... 1986

**LEGISLATIVE BILL 349. By Bohlke, at the request of the Governor**

Jan. 7 Title ..... 20
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 350. By Robak, Bruning, Engel, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Preister, Schellpeper, Schmitt, Schrock, Tyson, Vrtiska, Witek**

Jan. 7 Title ..... 20
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 353. By Bohlke**

Jan. 7 Title ..... 20
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 355. By Hudkins**

Jan. 7 Title ..... 21
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 356. By Beutler**

Jan. 7 Title ..... 21
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 358. By Jensen, Engel**

Jan. 7 Title ..... 21
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 360. By Brashear**

Jan. 7 Title ..... 21
Jan. 28 Brashear pending AM1514 p. 1560, First Session, pending. Schimek FA462 to AM1514 adopted ..... 454
Jan. 28 Chambers FA463 printed ..... 454
Feb. 2 Brashear unanimous consent to withdraw pending AM1514 p. 1560, First Session. No objections ..... 495
Feb. 2 Chambers pending FA463 p. 454 adopted. Beutler FA474 adopted ..... 496
Feb. 2 Matzke FA475 printed ..... 497
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 361. By Brashear**

Jan. 7 Title ..... 21
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 365. By Brashear**

Jan. 7 Title ..... 21
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 369. By Schrock, Coordsen, Dierks, Elmer, Engel, Hudkins, Jones, Preister, Schmitt, Stuhr, Wickersham, Hilgert, Wehrbein, Bruning**

Jan. 7 Title ..... 21
Jan. 9 Schrock priority bill ..... 206
Jan. 27 Wesely pending AM0169 p. 717, First Session, to Com AM0275 adopted ..... 439
Jan. 27 Kristensen-Matzke-Jensen AM2773 printed ..... 443
Jan. 28 Com AM0275 p. 705, First Session, adopted as amended. Kristensen et al. pending AM2773 p. 443 lost. Advanced for Review ..... 453
Jan. 29 Placed on Select File - AM7194 ..... 472
Feb. 5 AM7194 (E & R) adopted. Matzke motion to indefinitely postpone failed. Advanced for Engrossment ..... 556
Feb. 9 Correctly Engrossed ..... 564
Feb. 25 Motion to return to Select File for Kristensen FA524 withdrawn. Final Reading 35-7-7 ..... 761
Feb. 25 President signed.

Presented to Governor (2/25) ..... 770
Mar. 3 Approved by Governor (3/3) ..... 892

**LEGISLATIVE BILL 371. By Kristensen**

Jan. 7 Title ..... 21
Feb. 23 Speaker priority bill ..... 744
Mar. 31 Failed to Advance for Review ..... 1582
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 373. By Kristensen**

Jan. 7 Title ..... 22
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 373 amended into LB1073 by AM3693)

**LEGISLATIVE BILL 375. By Preister, Dierks, Hartnett, Jensen, Matzke, Robinson**

Jan. 7 Title ..... 22
Mar. 6 Will motion to indefinitely postpone printed ..... 945
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 376. By Schimek**

Jan. 7 Title ..... 22
Jan. 22 Advanced for Review ..... 386
Jan. 22 Chambers FA451 printed ..... 389
Jan. 23 Placed on Select File - AM7186 ..... 404
Feb. 5 AM7186 (E & R) adopted. Chambers pending FA451 p. 389 adopted. Chair sustained request for division of question on Maurstad FA484. Maurstad FA486 (1st) adopted. Maurstad FA487 (2nd) lost. Maurstad FA485 adopted. Advanced for Engrossment ..... 545
Feb. 9 Correctly Engrossed ..... 564
Feb. 9 ER9118 change ..... 565
Feb. 25 Final Reading 45-0-4 ..... 762
Feb. 25 President signed. Presented to Governor (2/25) ..... 770
Mar. 3 Approved by Governor (3/3) ..... 891

**LEGISLATIVE BILL 383. By Schimek, Bohlke, Crosby**

Jan. 7 Title ..... 22
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 390. By Jensen, Bromm**

Jan. 7 Title ..... 22
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 391. By Tyson**

Jan. 7 Title ..... 22
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 392. By Hillman, Bromm, Engel, Robak, Suttle**

Jan. 7 Title ..... 22
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 392 amended into LB 1073 by AM3975)

**LEGISLATIVE BILL 394. By Hillman, Engel, Schellpeper, Tyson, Wickersham**

Jan. 7 Title ..... 23
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 394 amended into LB 1129 by AM3906)

**LEGISLATIVE BILL 395. By Kristensen, Bromm**

Jan. 7 Title ..... 23
Jan. 21 Jones priority bill ..... 357
Jan. 29 Preister AM2854 to Com AM1138 printed ..... 465
Jan. 30 Dierks AM2936 to Com AM1138 printed ..... 492
Feb. 5 Dierks AM3018 to Com AM1138 printed ..... 551
Feb. 9 Com AM1138 p. 1191, First Session, pending. Preister pending AM2854 p. 465 to Com AM1138 pending ..... 563
Feb. 10 Com AM1138 p. 1191, First Session, pending. Preister pending AM2854 p. 465 to Com AM1138 lost ..... 573
Feb. 10 Dierks pending AM2936 p. 492 withdrawn. Dierks pending AM3018 p. 551 adopted ..... 576
Feb. 10 Preister AM2855 to Com AM1138 lost. Preister AM2918 to Com AM1138 pending. Preister AM2998 and AM2934 to Com AM1138 printed .... 580
Feb. 10 Preister AM2856, AM2912, and AM3001 to Com AM1138 printed ..... 581
Feb. 10 Preister AM3070 and AM3069 to Com AM1138 printed ..... 582
Feb. 11 Preister pending AM2918 p. 580 withdrawn. Preister unanimous consent to replace pending AM2998 p. 580 prevailed. Preister AM2998 p. 580 withdrawn. Preister-Kristensen substitute AM3098 to Com AM1138

adopted. Preister pending AM2934 p. 580 to Com AM1138 lost ..... 595
Feb. 11 Preister pending AM2856 and AM2912 p. 581 to Com AM1138 withdrawn. Preister pending AM3001 p. 581 and AM3070 p. 582 to Com AM1138 lost. Preister pending AM3069 p. 582 withdrawn. Com AM1138 adopted as amended. Advanced for Review ..... 598
Feb. 12 Placed on Select File - AM7202 ..... 610
Feb. 12 Maurstad explanation of vote ..... 611
Feb. 27 Chambers AM3280 to Com AM1138 printed ..... 815
Mar. 2 Preister AM3419 to Com AM1138 printed ..... 847
Mar. 3 Hilgert-Janssen AM3300 to Com AM1138 printed ..... 872
Mar. 4 Preister AM3462 to Com AM1138 printed ..... 908
Mar. 5 Kristensen AM3222 to Com AM1138 printed ..... 919
Mar. 10 Preister AM3279 and Lynch AM3564 to Com AM1138 printed ..... 991
Mar. 11 Preister AM3631 to Com AM1138 printed ..... 1020
Mar. 12 Engel AM3468 to Com AM1138 printed ..... 1032
Mar. 17 Preister AM3632 to Com AM1138 printed ..... 1069
Mar. 24 Kristensen AM4105 to Com AM1138 printed ..... 1345
Mar. 25 AM7202 (E & R) adopted. Chambers unanimous consent to replace pending AM3280 p. 815 with substitute amendment. No objections. Chambers AM3280 p. 815 withdrawn. Chair sustained request for division of question on Kristensen substitute pending AM4105 p. 1345. Kristensen FA649 (1st) and FA648 (2nd) to Com AM1138 adopted ..... 1388
Mar. 25 Preister unanimous consent to replace pending AM3419 p. 847 with substitute amendment. No objections. Preister AM3419 p. 847 withdrawn. Preister substitute AM4140 lost. Hilgert-Janssen pending AM3300 p. 872 withdrawn. Preister pending AM3462 p. 908 adopted. Kristensen unanimous consent to replace pending AM3222 p. 919 with substitute amendment. No objections. Kristensen pending AM3222 p. 919 withdrawn. Chambers-Beutler substitute AM4150 to Com AM1138 adopted ..... 1393
Mar. 25 Preister pending AM3279 p. 991 lost. Lynch pending AM3564 p. 991 withdrawn. Preister pending AM3631 and AM3632 p. 1020 and p. 1069 withdrawn. Engel AM3468 p. 1032 withdrawn. Hilgert AM4147 adopted. Advanced for Engrossment ..... 1404
Mar. 26 Jones name added ..... 1497
Mar. 31 Correctly Engrossed ..... 1562
Mar. 31 ER9145 change ..... 1563

Apr. 1 Chambers FA725 printed ..... 1670
Apr. 2 Preister FA731 printed ..... 1688
Apr. 6 Chambers pending FA725 p. 1670 withdrawn. Motion to return to Select File for Preister pending FA731 p. 1688 withdrawn. Motion to return to Select File for Hilgert FA795 withdrawn. Final Reading w/E 36-7-6 ..... 1717
Apr. 6 Speaker signed ..... 1720
Apr. 6 Presented to Governor (4/6) ..... 1722
Apr. 7 Engel explanation of vote ..... 1818
Apr. 14 Approved by Governor (4/9) ..... 1933
(Provisions/portions of LB 923 amended into LB 395 by AM4147)

**LEGISLATIVE BILL 400. By Bohlke**

Jan. 7 Title ..... 23
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 404. By Dw. Pedersen, Will, Witek**

Jan. 7 Title ..... 23
Feb. 4 Kristensen priority bill ..... 526
Feb. 13 Brashear-Dw. Pedersen-Kristensen-Landis AM3139 printed ..... 644
Feb. 18 Withem pending motion p. 1441, First Session, to indefinitely postpone withdrawn. Chair sustained request for division of question on Brashear et al. pending AM3139 p. 644. Brashear et al. FA504 (1st) pending ..... 668
Feb. 18 Chambers FA508 to FA504 (1st), Brashear et al. FA504 (1st), and remaining components of divided question withdrawn. Brashear et al. reoffered AM3139 p. 644 adopted as amended by Brashear-Chambers-Landis FA509 ..... 677
Feb. 18 Brashear-Chambers-Kristensen-Landis FA510 to AM3139 and Brashear AM3154 to AM0968 printed ..... 688
Feb. 18 Brashear AM3155 to AM0968 printed ..... 690
Feb. 26 Brashear et al. pending FA510 p. 688 pending. Beutler FA531 to FA510 lost ..... 783
Feb. 26 Brashear et al. pending FA510 p. 688 adopted. Brashear pending AM3154 p. 688 and AM3155 p. 690 withdrawn. Advanced for Engrossment ..... 789
Feb. 26 Witek name withdrawn ..... 802
Feb. 27 Correctly Engrossed. ER9123 change ..... 824
Mar. 5 Chambers FA560 printed ..... 935
Mar. 30 Chambers motion to return to Select File

pending for FA560 p. 935 withdrawn ..... 1504
Mar. 30 Final Reading w/E 43-2-4 ..... 1505
Mar. 30 Speaker signed ..... 1513
Mar. 30 Presented to Governor (3/30) ..... 1516
Apr. 6 Approved by Governor (4/3) ..... 1716
(Provisions/portions of LB 1069 amended into LB 404 by AM3139)
(Provisions/portions of LB 1203 amended into LB 404 by AM3139)

**LEGISLATIVE BILL 404A. By Dw. Pedersen**

Jan. 7 Title ..... 23
Feb. 27 Dw. Pedersen AM3373 printed ..... 811
Mar. 5 Dw. Pedersen pending AM3373 p. 811 adopted.
Advanced for Engrossment ..... 911
Mar. 5 Correctly Engrossed. ER9125 change ..... 923
Mar. 5 Chambers FA561 printed ..... 935
Mar. 30 Chambers FA561 p. 935 withdrawn ..... 1505
Mar. 30 Final Reading w/E 39-2-8 ..... 1506
Mar. 30 Speaker signed ..... 1513
Mar. 30 Presented to Governor (3/30) ..... 1516
Apr. 6 Approved by Governor (4/3) ..... 1716

**LEGISLATIVE BILL 405. By Chambers**

Jan. 7 Title ..... 23
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 409. By Warner, Landis**

Jan. 7 Title ..... 23
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 415. By Warner, Coordsen, Hartnett**

Jan. 7 Title ..... 23
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 416. By Elmer**

Jan. 7 Title ..... 24
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 417. By Elmer**

Jan. 7 Title ..... 24
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 419. By Hartnett, Bohlke, Stuhr**

Jan. 7 Title ..... 24
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 421. By Brashear**

Jan. 7 Title ..... 24
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 422. By Matzke, Bromm, Bruning, at the request of the Governor**

Jan. 7 Title ..... 24
Apr. 8 Chambers pending AM1578 through AM1599 and FA180 pgs. 1577 through 1581, First Session withdrawn. Chambers pending motions p. 1579 and p. 1581, First Session, withdrawn. Will pending AM1559 and AM1558 p. 1581 and p. 1582, First Session, withdrawn. Hilgert pending FA174, FA175 and FA177 p. 1582 and p. 1583, First Session, withdrawn. Schimek pending FA182 and AM1564 p. 1582, First Session, withdrawn. Lynch pending AM1563 and AM1560 p. 1582, First Session, withdrawn. Kiel pending FA178 and FA179 p. 1583, First Session, withdrawn. Matzke pending AM1529 p. 1583, First Session, withdrawn ..... 1862
Apr. 8 Returned to Select File for Chambers FA747. Chambers FA747 adopted. Advanced for Reengrossment ..... 1863
Apr. 8 Correctly Reengrossed ..... 1892
Apr. 8 ER9166 change ..... 1893
Apr. 14 Final Reading 43-2-4 ..... 1959
Apr. 14 President signed ..... 1963
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 14 Witek name added ..... 1974
Apr. 20 Approved by Governor (4/18) ..... 1986

**LEGISLATIVE BILL 423. By Landis**

Jan. 7 Title ..... 24
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 425. By Banking, Commerce and Insurance Committee**

Jan. 7 Title ..... 24
Jan. 29 Indefinitely postponed ..... 464

**LEGISLATIVE BILL 427. By Cudaback**

Jan. 7 Title ..... 25
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 428. By McKenzie**

Jan. 7 Title ..... 25
Jan. 22 Bromm name added ..... 391
Mar. 24 Placed on General File ..... 1290
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 436. By Brown**

Jan. 7 Title ..... 25
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 438. By Brown**

Jan. 7 Title ..... 25
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 439. By Lynch**

Jan. 7 Title ..... 25
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 442. By Abboud, Hilgert**

Jan. 7 Title ..... 25
Feb. 19 Placed on General File - Com AM3145 ..... 695
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 447. By Will, Bruning, Hilgert, Robak**

Jan. 7 Title ..... 25
Feb. 4 Will AM2935 printed ..... 534
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 449. By Schimek**

Jan. 7 Title ..... 26
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 450. By Wesely**

Jan. 7 Title ..... 26
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 451. By Wesely**

Jan. 7 Title ..... 26
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 458. By Will**

Jan. 7 Title ..... 26
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 459. By Chambers**

Jan. 7 Title ..... 26
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 462. By Bromm, Jensen, Jones**

Jan. 7 Title ..... 26
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 465. By Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek**

Jan. 7 Title ..... 26
Jan. 27 Maurstad name added ..... 447
Jan. 28 Willhoft name added ..... 460
Feb. 5 Witek priority bill ..... 543
Feb. 26 Brashear-Schellpeper AM2823 printed separate ..... 783
Mar. 2 Thompson AM3379 to Com AM0617 printed ..... 853
Mar. 2 Thompson AM3376 and AM3425 to Com AM0617 printed ..... 854
Mar. 2 Thompson AM3377 and AM3378 to Com AM0617 printed ..... 855
Mar. 31 Bohlke AM4282 to Com AM0617 printed ..... 1581
Mar. 31 Bohlke AM3630 to Com AM0617 printed ..... 1582
Apr. 1 Chambers motion to bracket until 4/14/98 pending ..... 1673
Apr. 2 Chambers pending motion p. 1673 to bracket until 4/14/98 failed. Schellpeper motion to invoke cloture prevailed. Com AM0617, p. 888, First Session, adopted as amended. Advanced for Review ..... 1705
Apr. 6 Placed on Select File - AM7258 ..... 1745
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 465A. By Schellpeper**

Jan. 7 Title ..... 27
Apr. 2 Chambers motion to bracket until 4/14/98 pending. Chambers unanimous consent to bracket. No objections ..... 1708
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 467. By Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson, Robak, Engel**

Jan. 7 Title ..... 27
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 470. By Kiel**

Jan. 7 Title ..... 27
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 472. By Dw. Pedersen**

Jan. 7 Title ..... 27
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 473. By Vrtiska, Wehrbein**

Jan. 7 Title ..... 27
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 481. By Schimek**

Jan. 7 Title ..... 27
Jan. 29 Indefinitely postponed ..... 477

**LEGISLATIVE BILL 483. By Hillman, Robinson**

Jan. 7 Title ..... 27
Feb. 25 Placed on General File - Com AM2799 ..... 768
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 483 amended into LB 924 by AM4010)

**LEGISLATIVE BILL 484. By Suttle, Kiel, Preister**

Jan. 7 Title ..... 27
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 487. By Hartnett, Preister**

Jan. 7 Title ..... 28
Jan. 29 Indefinitely postponed ..... 477

**LEGISLATIVE BILL 490. By Stuhr**

Jan. 7 Title ..... 28
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 492. By Will, Hartnett, Hilgert, Preister**

Jan. 7 Title ..... 28
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 494. By Beutler, Preister**

Jan. 7 Title ..... 28
Mar. 23 Indefinitely postponed ..... 1240

**LEGISLATIVE BILL 496. By Engel, Hartnett**

Jan. 7 Title ..... 28
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 497. By Will, Brown, Hartnett, Hilgert, Kiel, Dw. Pedersen, Preister, Suttle, Withem**

Jan. 7 Title ..... 28
Jan. 7 Kiel priority bill ..... 157
Jan. 21 Will AM2730 printed ..... 360
Jan. 27 Will pending AM2730 p. 360 adopted.
Advanced for Review ..... 439
Jan. 29 Placed on Select File - AM7192 (printed separate) ..... 471
Feb. 5 AM7192 (E & R) adopted.
Advanced for Engrossment ..... 556
Feb. 9 Correctly Engrossed ..... 564
Feb. 25 Dispensing of the reading at large approved ..... 757
Feb. 25 Final Reading w/E 45-0-4 ..... 758
Feb. 25 President signed.
Presented to Governor (2/25) ..... 770
Mar. 3 Approved by Governor (3/3) ..... 891

**LEGISLATIVE BILL 499. By Tyson**

Jan. 7 Title ..... 28
Jan. 7 Tyson AM2720 printed ..... 158
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 499 amended into LB 1129 by FA745)

**LEGISLATIVE BILL 500. By Wickersham, Warner**

Jan. 7 Title ..... 29
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 501. By Schimek, Kiel, Preister**

Jan. 7 Title ..... 29
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 502. By Preister, Hartnett**

Jan. 7 Title ..... 29
Mar. 6 Will motion to indefinitely postpone printed ..... 945
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 504. By Jensen**

Jan. 7 Title ..... 29
Jan. 22 Jensen AM0972 to Com AM0782 printed ..... 390
Feb. 23 Speaker priority bill ..... 744
Mar. 19 Com AM0782 p. 904, First Session, adopted as amended by Jensen pending AM0972 p. 390. Advanced for Review ..... 1193
Mar. 23 Placed on Select File ..... 1240
Mar. 26 Jensen AM3856 adopted ..... 1483
Mar. 26 Advanced for Engrossment ..... 1486
Mar. 31 Correctly Engrossed ..... 1562
Mar. 31 ER9146 change ..... 1564
Apr. 1 Chambers motion to recommit to Committee printed. Chambers motion to bracket until 4/15/98 printed. Chambers FA681, FA682 FA683, FA684, FA685, and FA686 printed ..... 1637
Apr. 1 Chambers FA687, FA688, FA689, FA690, FA691, FA692, and FA693 printed ..... 1638
Apr. 8 Chambers pending motion p. 1637 to recommit to Committee pending. Passed over ..... 1873
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1088 amended into LB 504 by AM3856)

**LEGISLATIVE BILL 507. By Beutler**

Jan. 7 Title ..... 29
Mar. 3 Placed on General File - Com AM3319 (printed separate) ..... 880
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 508. By Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek**

Jan. 7 Title ..... 29
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 511. By Brashear, Kiel**

Jan. 7 Title ..... 30
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 512. By Will, Dw. Pedersen**

Jan. 7 Title ..... 30
Mar. 26 Will-Wesely AM4163 printed ..... 1463
Mar. 31 Will-Wesely AM4310 printed ..... 1606
Apr. 1 Will AM4329 printed ..... 1657
Apr. 7 Wickersham-Coordsen AM4401 to AM4329 printed ... 1813
Apr. 8 Will-Wesely pending AM4163 and AM4310 p. 1463 and p. 1606 withdrawn. Will pending AM4329 p. 1657 withdrawn. Returned to Select File for Wickersham-Coordsen pending AM4401 p. 1813. Wickersham-Coordsen AM4401 p. 1813 adopted. Advanced for Reengrossment. Motion to return to Select File for Will AM4506 prevailed. Chambers motion to reconsider vote on Will motion to return to Select File failed ..... 1854
Apr. 8 Will pending AM4506 p. 1854 pending ..... 1861
Apr. 8 Will pending AM4506 p. 1854 adopted. Chambers motion to reconsider vote on Will AM4506 prevailed. Will AM4506 lost. Advanced for Reengrossment ..... 1873
Apr. 8 Returned to Select File for Beutler-Bromm-Wickersham AM4512 (on file) pending. Beutler et al. AM4512 ruled not germane. Motion to suspend rules for consideration of Beutler et al. AM4512 prevailed. Hilgert motion to reconsider vote on Beutler motion to suspend rules failed. Returned to Select File for Beutler et al. AM4512 prevailed ..... 1876
Apr. 8 Beutler et al. pending AM4512 p. 1876 lost. Failed to Advance for Reengrossment ..... 1879
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 512A. By Will**

Jan. 7 Title ..... 30
Apr. 6 Will AM4445 printed ..... 1762
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 514. By Maurstad, Bohlke, Brown, Kiel, Dw. Pedersen, Preister, Suttle, C. Peterson, Lynch**

Jan. 7 Title ..... 30
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 515. By Wesely, Crosby, Hilgert**

Jan. 7 Title ..... 30
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 516. By Beutler**

Jan. 7 Title ..... 30
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 518. By Beutler, Preister, at the request of the Governor**

Jan. 7 Title ..... 30
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 521. By Tyson**

Jan. 7 Title ..... 30
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 522. By Schellpeper**

Jan. 7 Title ..... 31
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 525. By Withem**

Jan. 7 Title ..... 31
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 528. By Dw. Pedersen**

Jan. 7 Title ..... 31
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 532. By Robak, Crosby**

Jan. 7 Title ..... 31
Feb. 12 Notice of hearing 2/20 (rehearing) ..... 614
Feb. 20 Nebraska Retirement Systems Committee priority bill ..... 720
Feb. 27 Placed on General File - Com AM3338 ..... 820
Mar. 30 Com AM3338 p. 820 adopted. Advanced for Review ..... 1513
Mar. 30 Placed on Select File - AM7242 ..... 1531
Apr. 7 AM7242 (E & R) adopted.

Advanced for Engrossment ..... 1827
Apr. 8 Correctly Engrossed ..... 1843
Apr. 14 Final Reading 45-1-3 ..... 1943
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/14) ..... 1985

**LEGISLATIVE BILL 532A. By Stuhr, Crosby**

Mar. 30 Read first time.
Placed on General File ..... 1517
Apr. 1 Advanced for Review ..... 1617
Apr. 1 Placed on Select File ..... 1665
Apr. 7 Advanced for Engrossment ..... 1827
Apr. 8 Correctly Engrossed ..... 1843
Apr. 14 Final Reading 45-1-3 ..... 1944
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/14) ..... 1985

**LEGISLATIVE BILL 533. By Withem**

Jan. 7 Title ..... 31
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 534. By Robak**

Jan. 7 Title ..... 31
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 536. By Withem**

Jan. 7 Title ..... 31
Jan. 29 Thompson name added ..... 478
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 539. By Beutler**

Jan. 7 Title ..... 32
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 540. By Beutler**

Jan. 7 Title ..... 32
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 544. By Coordsen**

Jan. 7 Title ..... 32
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 547. By Legislative Program Evaluation Committee**

Jan. 7 Title ..... 32
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 548. By Legislative Program Evaluation Committee**

Jan. 7 Title ..... 32
Feb. 4 Hillman AM2904 printed separate ..... 537
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 548A. By Hillman**

Jan. 7 Title ..... 32
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 549. By Dierks, Lynch**

Jan. 7 Title ..... 32
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 552. By Dierks, Preister, Schellpeper**

Jan. 7 Title ..... 33
Feb. 23 Placed on General File - Com AM3150 ..... 742
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 553. By Landis**

Jan. 7 Title ..... 33
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 556. By Withem, Brown**

Jan. 7 Title ..... 33
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 559. By Brashear**

Jan. 7 Title ..... 33
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 560. By Brashear**

Jan. 7 Title ..... 33
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 561. By Brashear**

Jan. 7 Title ..... 33
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 562. By Brashear**

Jan. 7 Title ..... 33
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 565. By Schmitt, Jensen**

Jan. 7 Title ..... 33
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 566. By Wickersham**

Jan. 7 Title ..... 34
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 571. By Hartnett, Dierks, Preister**

Jan. 7 Title ..... 34
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 573. By Cudaback**

Jan. 7 Title ..... 34
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 574. By Cudaback, Vrtiska**

Jan. 7 Title ..... 34
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 578. By McKenzie**

Jan. 7 Title ..... 34
Jan. 9 Bohlke name added ..... 210
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 579. By McKenzie**

Jan. 7 Title ..... 34
Jan. 9 Beutler name added ..... 210

Jan. 28 Beutler AM2898 printed separate ..... 460
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 579A. By McKenzie**

Jan. 7 Title ..... 34
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 580. By McKenzie**

Jan. 7 Title ..... 34
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 583. By Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt**

Jan. 7 Title ..... 35
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 583A. By Wickersham**

Jan. 7 Title ..... 35
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 584. By Schimek**

Jan. 7 Title ..... 35
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 585. By Schimek, Vrtiska, Will, Hilgert**

Jan. 7 Title ..... 35
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 587. By Wesely, Withem, at the request of the Governor**

Jan. 7 Title ..... 35
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 591. By Withem, Coordsen, Dierks, Robinson, Schellpeper, Schimek, Warner**

Jan. 7 Title ..... 36
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 593. By Withem, Brashear, Brown, Coordsen, Schimek**

Jan. 7 Title ..... 36
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 594. By Robinson, Schimek, at the request of the Governor**

Jan. 7 Title ..... 36
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 601. By Hillman, Brown, Kiel**

Jan. 7 Title ..... 36
Feb. 20 Judiciary Committee priority bill ..... 721
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 602. By Beutler, Bohlke, Landis, C. Peterson, Wesely**

Jan. 7 Title ..... 36
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 603. By Dw. Pedersen, Crosby**

Jan. 7 Title ..... 36
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 603A. By Dw. Pedersen**

Jan. 7 Title ..... 37
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 606. By Bromm, Hudkins, Janssen, Jones, Matzke, Schellpeper, Vrtiska, Witek, Preister**

Jan. 7 Title ..... 37
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 607. By Bromm, Cudaback, Robinson**

Jan. 7 Title ..... 37
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 609. By Wesely**

Jan. 7 Title ..... 37
Feb. 10 Indefinitely postponed ..... 573

**LEGISLATIVE BILL 611. By Dw. Pedersen, Bruning, Hartnett, Hilgert, Lynch**

Jan. 7 Title ..... 37
Jan. 9 Dw. Pedersen priority bill ..... 187
Feb. 11 Placed on General File ..... 598
Feb. 13 Chambers FA492 adopted.
Advanced for Review ..... 639
Feb. 13 Abboud motion to indefinitely postpone printed ..... 641
Feb. 17 Placed on Select File - AM7204 ..... 660
Feb. 19 Raikes AM3197 printed ..... 704
Feb. 26 Hartnett AM3361 printed ..... 799
Mar. 6 AM7204 (E & R) adopted. Abboud pending motion p. 641 to indefinitely postpone withdrawn. Raikes pending AM3197 p. 704 and Hartnett pending AM3361 p. 799 adopted.
Advanced for Engrossment ..... 944
Mar. 9 Correctly Engrossed. ER9126 change ..... 969
Mar. 19 Raikes name added ..... 1207
Mar. 20 Final Reading 38-4-7 ..... 1212
Mar. 20 Speaker signed ..... 1215
Mar. 20 Presented to Governor (3/20) ..... 1218
Mar. 25 Approved by Governor (3/25) ..... 1390
(Provisions/portions of LB 1104 amended into LB 611 by AM3197)

**LEGISLATIVE BILL 614. By Crosby**

Jan. 7 Title ..... 37
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 616. By Elmer, Bromm, Bruning, McKenzie, Preister, Schrock**

Jan. 7 Title ..... 37
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 619. By Dierks**

Jan. 7 Title ..... 38
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 620. By Beutler**

Jan. 7 Title ..... 38
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 621. By Beutler**

Jan. 7 Title ..... 38
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 627. By Hilgert**

Jan. 7 Title ..... 38
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 628. By Dw. Pedersen, Preister**

Jan. 7 Title ..... 38
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 629. By Crosby**

Jan. 7 Title ..... 38
Jan. 9 Crosby AM2731 printed ..... 192
Jan. 22 Crosby pending AM2731 p. 192 and Chambers motion to indefinitely postpone withdrawn. Advanced for Review ..... 379
Jan. 23 Placed on Select File - AM7187 ..... 401
Feb. 5 Witek AM3023 printed ..... 552
Feb. 17 AM7187 (E & R) adopted. Witek pending AM3023 p. 552 adopted. Advanced for Engrossment ..... 650
Feb. 18 Correctly Engrossed. ER9119 change ..... 666
Feb. 25 Final Reading 46-0-3 ..... 763
Feb. 25 President signed. Presented to Governor (2/25) ..... 770
Mar. 3 Approved by Governor (3/3) ..... 891

**LEGISLATIVE BILL 632. By Chambers**

Jan. 7 Title ..... 38
Feb. 23 Speaker priority bill ..... 744
Mar. 18 Kristensen AM3917 to Com AM0922 printed ..... 1155
Mar. 19 Witek motion to bracket until 4/14/98 withdrawn. Com AM0922 p. 1188, First Session, adopted as amended by Kristensen pending AM3917 p. 1155. Advanced for Review ..... 1194
Mar. 23 Placed on Select File - AM7234 ..... 1247
Mar. 26 AM7234 (E & R) adopted. Advanced for Engrossment ..... 1483
Mar. 31 Correctly Engrossed ..... 1562
Apr. 6 Final Reading 43-1-5 ..... 1719
Apr. 6 Speaker signed ..... 1720
Apr. 6 Presented to Governor (4/6) ..... 1722
Apr. 7 Engel explanation of vote ..... 1818
Apr. 14 Approved by Governor (4/9) ..... 1933
(Provisions/portions of LB 839 amended into LB 632 by AM3917)

**LEGISLATIVE BILL 633. By Chambers**

Jan. 7 Title ..... 38
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 633A. By Chambers**

Jan. 7 Title ..... 39
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 637. By Coordsen, Schellpeper**

Jan. 7 Title ..... 39
Jan. 29 Indefinitely postponed ..... 477

**LEGISLATIVE BILL 638. By Robinson, Bromm, Brown, Cudaback, Dierks, Janssen, Jensen, Jones, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wesely, Witek**

Jan. 7 Title ..... 39
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 640. By Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham**

Jan. 7 Title ..... 39
Mar. 23 Indefinitely postponed ..... 1240

**LEGISLATIVE BILL 645. By Lynch, Crosby, Engel, Kiel**

Jan. 7 Title ..... 39
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 648. By Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen**

Jan. 7 Title ..... 39
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 649. By Dierks**

Jan. 7 Title ..... 40
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 649A. By Dierks**

Jan. 7 Title ..... 40
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 650. By Hartnett**

Jan. 7 Title ..... 40
Jan. 14 Attorney General's Opinion #98003 to Hartnett ..... 295
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 651. By Hartnett**

Jan. 7 Title ..... 40
Jan. 29 Indefinitely postponed ..... 477

**LEGISLATIVE BILL 653. By Warner**

Jan. 7 Title ..... 40
Feb. 3 Indefinitely postponed ..... 520

**LEGISLATIVE BILL 654. By Coordsen, Schellpeper**

Jan. 7 Title ..... 40
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 655. By Beutler, Engel**

Jan. 7 Title ..... 40
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 656. By Beutler**

Jan. 7 Title ..... 41
Jan. 13 Beutler-Jones AM2782 printed ..... 273
Jan. 23 Com AM0521 p. 834, First Session, lost.
Beutler pending AM0807 p. 937, First Session, withdrawn. Beutler-Jones pending AM2782 p. 273 pending ..... 401
Jan. 26 Beutler-Jones pending AM2782 p. 273 adopted. Chambers motion to indefinitely postpone withdrawn. Advanced for Review ..... 415
Jan. 27 Placed on Select File - AM7190 ..... 427
Feb. 5 AM7190 p. 427 adopted. C. Peterson AM2859 adopted. Advanced for Engrossment ..... 554
Feb. 9 Correctly Engrossed ..... 564
Feb. 9 ER9116 change ..... 566
Apr. 8 Final Reading w/E 43-0-6 ..... 1891
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977
(Provisions/portions of LB 1004 amended into LB 656 by AM2859)

**LEGISLATIVE BILL 656A. By Beutler**

Jan. 7 Title ..... 41
Jan. 26 Beutler AM2865 adopted.
Advanced for Review ..... 415
Jan. 27 Placed on Select File - AM7191 ..... 428
Feb. 5 AM7191 (E & R) adopted. Wehrbein FA488
lost. Advanced for Engrossment ..... 556
Feb. 9 Correctly Engrossed ..... 564
Apr. 8 Final Reading 43-0-6 ..... 1891
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Returned by Governor without approval (4/14) ..... 1976
Apr. 14 Jones motion to override veto passed 31-3-15 ..... 1979
Apr. 14 Communication. Certificate ..... 1982

**LEGISLATIVE BILL 661. By Dierks, at the request of the Governor**

Jan. 7 Title ..... 41
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 664. By Hudkins**

Jan. 7 Title ..... 41
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 667. By Lynch**

Jan. 7 Title ..... 41
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 668. By Lynch**

Jan. 7 Title ..... 41
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 669. By Wehrbein, Brown, Crosby, Engel, Hillman, Kiel, Lynch, Maurstad, D. Pederson**

Jan. 7 Title ..... 41
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 673. By Warner**

Jan. 7 Title ..... 41
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 674. By Beutler**

Jan. 7 Title ..... 42
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 676. By Beutler**

Jan. 7 Title ..... 42
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 678. By Beutler**

Jan. 7 Title ..... 42
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 679. By Beutler**

Jan. 7 Title ..... 42
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 681. By Beutler**

Jan. 7 Title ..... 42
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 682. By Beutler**

Jan. 7 Title ..... 42
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 683. By Beutler**

Jan. 7 Title ..... 42
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 684. By Beutler**

Jan. 7 Title ..... 42
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 692. By Hilgert**

Jan. 7 Title ..... 43
Feb. 10 Indefinitely postponed ..... 573

**LEGISLATIVE BILL 694. By Cudaback**

Jan. 7 Title ..... 43
Mar. 23 Indefinitely postponed ..... 1240

**LEGISLATIVE BILL 695. By Cudaback**

| | | | |
|---|---|---|---|
| Jan. | 7 | Title | 43 |
| Jan. | 12 | Cudaback priority bill | 231 |
| Jan. | 28 | Cudaback pending AM1406 p. 2564, First Session, withdrawn. D. Pederson-Cudaback AM2905 pending | 456 |
| Jan. | 28 | Chambers FA464 printed | 460 |
| Jan. | 29 | D. Pederson FA465 printed | 465 |
| Feb. | 2 | Chambers FA476 and FA477 printed | 506 |
| Feb. | 3 | D. Pederson-Cudaback pending AM2905 p. 456 adopted as amended. Chambers request to substitute pending FA464 p. 460. No objections. Chambers FA464 p. 460 withdrawn. Chambers substitute FA478 to AM2905 adopted. D. Pederson request to substitute pending FA465 p. 465. No objections. D. Pederson FA465 p. 465 withdrawn. D. Pederson substitute AM2987 to AM2905 adopted. Advanced for Review | 518 |
| Feb. | 5 | Placed on Select File - AM7197 | 548 |
| Feb. | 5 | D. Pederson name added | 557 |
| Feb. | 17 | Cudaback-D. Pederson-Chambers AM3170 to AM7197 printed | 660 |
| Feb. | 18 | AM7197 (E & R) adopted. Cudaback et al. pending AM3170 p. 660 pending. Wickersham unanimous consent to bracket until 2/25/98. No objections | 667 |
| Feb. | 27 | Wickersham name added | 827 |
| Mar. | 12 | Wickersham-D. Pederson-Wehrbein-Cudaback AM3747 to AM7197 printed | 1044 |
| Mar. | 17 | Cudaback et al. pending AM3170 p. 660 adopted. Wickersham AM3807 and FA587 to AM3747 adopted. Wickersham motion to suspend rules to permit consideration of AM3747 prevailed. Wickersham et al. pending AM3747 p. 1044 adopted as amended | 1055 |
| Mar. | 17 | Beutler FA586 (on file) withdrawn. Advanced for Engrossment | 1077 |
| Mar. | 19 | Correctly Engrossed. ER9129 change | 1185 |
| Apr. | 1 | Final Reading 38-7-4 | 1620 |
| Apr. | 1 | Speaker signed | 1621 |
| Apr. | 1 | Presented to Governor (4/1) | 1625 |
| Apr. | 7 | Returned by Governor without approval (4/7) | 1834 |
| Apr. | 8 | Cudaback-Elmer-Bromm-Robinson-Engel-Brashear-Matzke-Hartnett-Willhoft-Preister-Dw. Pedersen-Jones-Coordsen-Wehrbein-Dierks-Tyson-Schrock-Raikes-Lynch-Wickersham-D. Pederson-Schellpeper-Hillman-Robak-Bohlke-Hudkins-C. Peterson-Stuhr and | |

Schimek motion to override veto printed ..... 1852
Apr. 9 Cudaback et al. pending motion p. 1852 to override veto passed 36-6-7 ..... 1923
Apr. 9 Communication. Certificate ..... 1929
(Provisions/portions of LB 1136 amended into LB 695 by AM3747)

**LEGISLATIVE BILL 695A. By Cudaback, D. Pederson, Wehrbein**

Feb. 11 Read first time.
Placed on General File ..... 605
Feb. 13 Advanced for Review ..... 629
Feb. 17 Placed on Select File ..... 660
Mar. 17 Wickersham AM3788 adopted.
Advanced for Engrossment ..... 1078
Mar. 19 Correctly Engrossed ..... 1185
Apr. 1 Final Reading 35-7-7
Speaker signed ..... 1621
Apr. 1 Presented to Governor (4/1) ..... 1625
Apr. 7 Returned by Governor without approval (4/7) ..... 1834
Apr. 8 Cudaback-Elmer-Bromm-Robinson-Engel-Brashear-Matzke-Hartnett-Willhoft-Preister-Dw. Pedersen-Jones-Coordsen-Wehrbein-Dierks-Tyson-Schrock-Raikes-Lynch-Wickersham-D. Pederson-Schellpeper-Hillman-Robak-Bohlke-Hudkins-C. Peterson-Stuhr and Schimek motion to override veto printed ..... 1852
Apr. 9 Cudaback et al. pending motion p. 1852 to override veto passed 35-7-7 ..... 1924
Apr. 9 Communication. Certificate ..... 1929

**LEGISLATIVE BILL 699. By Natural Resources Committee**

Jan. 7 Title ..... 43
Jan. 9 Stuhr name added ..... 210
Jan. 12 Placed on General File - Com AM2727 ..... 221
Feb. 23 Speaker priority bill ..... 744
Mar. 19 Com AM2727 adopted. Advanced for Review ..... 1198
Mar. 23 Placed on Select File - AM7235 ..... 1251
Mar. 26 AM7235 (E & R) adopted.
Advanced for Engrossment ..... 1491
Mar. 31 Correctly Engrossed ..... 1562
Apr. 1 Chambers FA726 printed ..... 1670
Apr. 6 Chambers pending FA726 p. 1670 withdrawn.
Final Reading 44-0-5 ..... 1718
Apr. 6 Speaker signed ..... 1720
Apr. 6 Presented to Governor (4/6) ..... 1722
Apr. 7 Engel explanation of vote ..... 1818
Apr. 14 Approved by Governor (4/9) ..... 1933

**LEGISLATIVE BILL 700. By Beutler**

Jan. 7 Title ..... 43
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 700 amended into LB 1161 by AM4284)

**LEGISLATIVE BILL 701. By Beutler**

Jan. 7 Title ..... 43
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 702. By Beutler**

Jan. 7 Title ..... 43
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 703. By Beutler**

Jan. 7 Title ..... 44
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 704. By Beutler**

Jan. 7 Title ..... 44
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 705. By Beutler**

Jan. 7 Title ..... 44
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 707. By Bohlke, Janssen, C. Peterson**

Jan. 7 Title ..... 44
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 708. By Janssen, Hartnett**

Jan. 7 Title ..... 44
Feb. 9 Indefinitely postponed ..... 564

**LEGISLATIVE BILL 709. By Schmitt**

Jan. 7 Title ..... 44
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 711. By Bohlke**

Jan. 7 Title ..... 44
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 711 amended into LB 1175 by FA625)

**LEGISLATIVE BILL 712. By Bohlke**

Jan. 7 Title ..... 45
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 714. By Bohlke**

Jan. 7 Title ..... 45
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 715. By Bohlke**

Jan. 7 Title ..... 45
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 718. By Preister, Hartnett, Kiel, Landis, Lynch, Schimek, Wesely**

Jan. 7 Title ..... 45
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 726. By Wickersham**

Jan. 7 Title ..... 45
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 728. By Landis**

Jan. 7 Title ..... 45
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 730. By Landis**

Jan. 7 Title ..... 45
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 731. By Landis**

Jan. 7 Title ..... 46
Jan. 29 Indefinitely postponed ..... 464

**LEGISLATIVE BILL 732. By Will**

Jan. 7 Title ..... 46
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 736. By Robak**

Jan. 7 Title ..... 46
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 739. By Landis**

Jan. 7 Title ..... 46
Jan. 21 Placed on General File ..... 359
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 935
Mar. 6 Chambers pending motion p. 935 to bracket until 4/14/98 failed ..... 947
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 739 amended into LB 1321 by FA733)

**LEGISLATIVE BILL 744. By Beutler**

Jan. 7 Title ..... 46
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 748. By Tyson**

Jan. 7 Title ..... 46
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 751. By Beutler**

Jan. 7 Title ..... 46
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 752A. By Beutler**

Jan. 7 Title ..... 47
Mar. 20 Chambers AM3988 printed ..... 1230
Mar. 26 Chambers name added ..... 1497
Apr. 7 Chambers pending AM2538 through AM2560 pgs. 2482 through 2484, First Session, withdrawn. Beutler pending motion to suspend rules p. 2484, First Session, withdrawn. Chambers pending AM3988 p. 1230 adopted. Advanced for Engrossment ..... 1816
Apr. 8 Correctly Engrossed. ER9159 change ..... 1843
Apr. 14 Final Reading 40-6-3 ..... 1945
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972

Apr. 20 Returned by Governor without approval (4/18) ..... 1989
(Provisions/portions of LB 14 amended into LB 752A by AM3988)

**LEGISLATIVE BILL 756. By C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Preister, Stuhr, Suttle**

Jan. 7 Title ..... 47
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 757. By C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr**

Jan. 7 Title ..... 47
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 760. By Dw. Pedersen, at the request of the Governor**

Jan. 7 Title ..... 47
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 761. By Dw. Pedersen**

Jan. 7 Title ..... 47
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 762. By Dw. Pedersen**

Jan. 7 Title ..... 47
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 763. By Hudkins**

Jan. 7 Title ..... 47
Jan. 29 Indefinitely postponed ..... 477

**LEGISLATIVE BILL 765. By Brashear**

Jan. 7 Title ..... 48
Feb. 3 Placed on General File ..... 520
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 766. By Brashear, Will**

Jan. 7 Title ..... 48
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 766A. By Brashear**

Jan. 7 Title ..... 48
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 767. By Brashear**

Jan. 7 Title ..... 48
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 768. By Brashear, Landis, Maurstad**

Jan. 7 Title ..... 48
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 769. By Brashear, at the request of the Governor**

Jan. 7 Title ..... 48
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 776. By Jensen, Maurstad**

Jan. 7 Title ..... 48
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 776 amended into LB 1129 by AM4461)

**LEGISLATIVE BILL 777. By Jensen, Brown, Hudkins, Kiel, Dw. Pedersen, Schimek, Stuhr**

Jan. 7 Title ..... 49
Jan. 13 Jensen priority bill ..... 268
Jan. 21 Hartnett name added ..... 368
Jan. 27 Lynch name added ..... 447
Jan. 28 Engel name added ..... 460
Jan. 30 Chambers FA467, FA468, FA469 and FA470 printed ..... 492
Feb. 2 Jensen motion to suspend rules and vote on advancement of bill printed ..... 507
Feb. 3 Chambers pending FA467 p. 492 pending ..... 520
Feb. 4 Chambers pending FA467, FA468, and FA469 p. 492 adopted. Chambers pending FA470 p. 492 lost. Chambers FA479 adopted. Jensen pending motion p. 507 to suspend rules and vote on advancement of bill withdrawn. Chambers FA481 lost ..... 530
Feb. 4 Chambers FA482 printed ..... 537
Feb. 9 Chambers pending FA482 p. 537 adopted. Advanced for Review ..... 560
Feb. 10 Placed on Select File - AM7198 ..... 574
Feb. 18 AM7198 (E & R) adopted. Jensen-Chambers

AM3165 to AM7198 adopted.
Advanced for Engrossment ..... 667
Feb. 19 Correctly Engrossed ..... 697
Feb. 27 Final Reading 33-1-15 ..... 808
Feb. 27 Bruning explanation of vote.
Suttle explanation of vote ..... 812
Feb. 27 President signed ..... 814
Feb. 27 Bromm explanation of vote ..... 819
Feb. 27 Kiel explanation of vote ..... 820
Feb. 27 Presented to Governor (2/27) ..... 827
Mar. 3 Approved by Governor (3/3) ..... 891

**LEGISLATIVE BILL 778. By Wesely**

Jan. 7 Title ..... 49
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 779. By Wesely**

Jan. 7 Title ..... 49
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 780. By Wickersham**

Jan. 7 Title ..... 49
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 782. By Wesely**

Jan. 7 Title ..... 49
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 782A. By Wesely**

Jan. 7 Title ..... 49
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 783. By Wesely**

Jan. 7 Title ..... 49
Feb. 19 Placed on General File - Com AM2894
(printed separate) ..... 701
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 783 amended into LB 1354 by AM3466)

**LEGISLATIVE BILL 790. By Bromm, Bruning, Hudkins, Jensen, Jones, Maurstad**

Jan. 7 Title ..... 50
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 791. By Bromm, Engel, Jones, D. Pederson, Stuhr**

Jan. 7 Title ..... 50
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 792. By Bromm, Coordsen, Cudaback, Engel, Janssen, Preister, Robinson, Schmitt, Stuhr, Witek**

Jan. 7 Title ..... 50
Jan. 30 Indefinitely postponed ..... 488

**LEGISLATIVE BILL 793. By Bromm, Cudaback, Jones, Robinson, Schrock, Witek, Tyson**

Jan. 7 Title ..... 50
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 796. By Bromm, Brashear, Janssen**

Jan. 7 Title ..... 50
Jan. 26 Placed on General File - Com AM2760 ..... 420
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 936
Mar. 6 Com AM2760 p. 420 pending. Chambers pending motion p. 936 to bracket until 4/14/98 failed ..... 953
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 799. By Crosby**

Jan. 7 Title ..... 50
Jan. 7 Crosby priority bill ..... 157
Jan. 27 Crosby AM2846 printed ..... 440
Jan. 30 Brown and Maurstad names added ..... 494
Feb. 9 Com AM1795 p. 1841, First Session, lost. Crosby pending AM2846 p. 440 adopted. Advanced for Review ..... 561
Feb. 10 Placed on Select File - AM7200 ..... 575
Feb. 11 Beutler name added ..... 605
Feb. 17 Crosby AM3163 to AM2846 printed ..... 660
Feb. 18 AM7200 (E & R) adopted. Crosby pending AM3163 p. 660 adopted. Advanced for Engrossment ..... 668
Feb. 19 Correctly Engrossed ..... 697
Mar. 6 Will FA567 printed ..... 953

Mar. 30 Will FA567 p. 953 withdrawn ..... 1506
Mar. 30 Final Reading 42-1-6 ..... 1507
Mar. 30 Speaker signed ..... 1513
Mar. 30 Presented to Governor (3/30) ..... 1516
Apr. 6 Approved by Governor (4/3) ..... 1716

**LEGISLATIVE BILL 799A. By Crosby**

Jan. 7 Title ..... 50
Jan. 27 Crosby AM2765 printed ..... 443
Feb. 9 Crosby pending AM2765 p. 443
withdrawn. Crosby AM2991 adopted.
Advanced for Review ..... 562
Feb. 10 Placed on Select File - AM7201 ..... 575
Feb. 18 AM7201 (E & R) adopted.
Advanced for Engrossment ..... 668
Feb. 19 Correctly Engrossed ..... 697
Mar. 30 Final Reading 44-1-4 ..... 1507
Mar. 30 Speaker signed ..... 1513
Mar. 30 Presented to Governor (3/30) ..... 1516
Apr. 6 Approved by Governor (4/3) ..... 1716

**LEGISLATIVE BILL 800. By Crosby**

Jan. 7 Title ..... 51
Jan. 21 Crosby AM2779 printed ..... 367
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 800 amended into LB 1162 by AM3603)

**LEGISLATIVE BILL 801. By Crosby**

Jan. 7 Title ..... 51
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 801 amended into LB 1056 by AM3966)

**LEGISLATIVE BILL 803. By Lynch, Coordsen, Crosby, Hartnett, Stuhr**

Jan. 7 Title ..... 51
Jan. 23 Lynch AM2805 printed ..... 404
Feb. 23 Speaker priority bill ..... 744
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 804. By Janssen, at the request of the Governor**

Jan. 7 Title ..... 51
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 805. By Preister**

Jan. 7 Title ..... 51
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 807. By Stuhr**

Jan. 7 Title ..... 51
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 810. By Crosby, Coordsen, Dw. Pedersen, Schimek, Robak**

Jan. 7 Title ..... 51
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 818. By Wickersham**

Jan. 7 Title ..... 51
Feb. 19 Indefinitely postponed ..... 697

**LEGISLATIVE BILL 819. By Wickersham**

Jan. 7 Title ..... 52
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 820. By Wickersham**

Jan. 7 Title ..... 52
Feb. 18 Placed on General File - Com AM2713 ..... 675
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 820A. By Wickersham**

Feb. 26 Read first time.
Placed on General File ..... 784
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 822. By Robinson, Brown, Crosby, Janssen, Lynch, Stuhr**

Jan. 7 Title ..... 52
Jan. 12 Robinson priority bill ..... 238
Jan. 13 Hillman name added ..... 278
Jan. 26 Placed on General File - Com AM2743 ..... 420

Jan. 29 Hartnett name added ..... 478
Jan. 30 Maurstad FA471 and Beutler FA472 to Com AM2743 withdrawn. Beutler FA473 to Com AM2743 pending ..... 491
Feb. 2 Beutler requested ruling of Chair. Beutler motion to overrule Chair withdrawn. Beutler motion to return to committee withdrawn. Chambers motion to bracket until 2/9/98 and Beutler motion to bracket until 3/1/98 withdrawn. Beutler pending FA473 p. 492 to Com AM2743 lost. Beutler AM2959 to Com AM2743 lost. Com AM2743 p. 420 adopted ..... 497
Feb. 3 Advanced for Review ..... 518
Feb. 4 Placed on Select File - AM7196 ..... 538
Feb. 10 Bromm-Janssen AM3060 to Com AM2743 printed ..... 582
Feb. 17 AM7196 (E & R) adopted. Bromm-Janssen pending AM3060 p. 582 ruled not germane. Bromm motion to overrule chair failed ..... 658
Feb. 18 Advanced for Engrossment ..... 667
Feb. 19 Correctly Engrossed. ER9121 change ..... 697
Feb. 27 Final Reading w/E 34-3-12 ..... 809
Feb. 27 Suttle explanation of vote ..... 812
Feb. 27 President signed ..... 814
Feb. 27 Bromm explanation of vote ..... 819
Feb. 27 Kiel explanation of vote ..... 820
Feb. 27 Presented to Governor (2/27) ..... 827
Mar. 3 Approved by Governor (3/3) ..... 891

**LEGISLATIVE BILL 822A. By Janssen**

Feb. 11 Read first time. Placed on General File ..... 595
Feb. 13 Advanced for Review ..... 630
Feb. 17 Placed on Select File ..... 660
Feb. 18 Advanced for Engrossment ..... 667
Feb. 19 Correctly Engrossed ..... 697
Feb. 27 Final Reading w/E 38-2-9 ..... 810
Feb. 27 Suttle explanation of vote ..... 812
Feb. 27 President signed ..... 814
Feb. 27 Bromm explanation of vote ..... 819
Feb. 27 Kiel explanation of vote ..... 820
Feb. 27 Presented to Governor (2/27) ..... 827
Mar. 3 Approved by Governor (3/3) ..... 891

**LEGISLATIVE BILL 823. By Wickersham, Bromm, Coordsen, Cudaback, Elmer, Hartnett, Hillman, Hudkins, Janssen, Jones, McKenzie, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska**

Jan. 7 Title ..... 52
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 824. By Coordsen**

Jan. 7 Title ..... 53
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 825. By Hartnett**

Jan. 7 Title ..... 53
Jan. 29 Indefinitely postponed ..... 477

**LEGISLATIVE BILL 826. By Hartnett**

Jan. 7 Title ..... 53
Jan. 29 Indefinitely postponed ..... 477

**LEGISLATIVE BILL 830. By Hillman, Hudkins, Jones, Schmitt, Schrock, Wickersham**

Jan. 7 Title ..... 53
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 833. By Maurstad**

Jan. 7 Title ..... 53
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 834. By Tyson**

Jan. 7 Title ..... 53
Jan. 28 Advanced for Review ..... 450
Jan. 29 Placed on Select File ..... 471
Feb. 17 Advanced for Engrossment ..... 650
Feb. 18 Correctly Engrossed ..... 666
Feb. 25 Final Reading 45-0-4 ..... 763
Feb. 25 President signed.
Presented to Governor (2/25) ..... 770
Mar. 3 Approved by Governor (3/3) ..... 891

**LEGISLATIVE BILL 836. By Schimek**

Jan. 7 Title ..... 54
Jan. 29 Indefinitely postponed ..... 477

**LEGISLATIVE BILL 838. By Suttle, Beutler, McKenzie, C. Peterson**

Jan. 7 Title ..... 54
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 839. By Withem**

Jan. 7 Title ..... 54
Jan. 13 Kristensen name added ..... 277
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 839 amended into LB 632 by AM3917)

**LEGISLATIVE BILL 840. By Crosby, Lynch**

Jan. 7 Title ..... 54
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 841. By Crosby, Wesely**

Jan. 7 Title ..... 54
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 842. By Crosby, Bromm, Elmer, Warner, Bohlke**

Jan. 7 Title ..... 54
Feb. 19 Placed on General File - Com AM2789 ..... 701
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 843. By Legislative Program Evaluation Committee**

Jan. 7 Title ..... 54
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 844. By Wehrbein, at the request of the Governor**

Jan. 7 Title ..... 55
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 845. By Suttle, Preister**

Jan. 7 Title ..... 55
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 846. By Will**

Jan. 7 Title ..... 55
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 848. By Will**

Jan. 7 Title ..... 55
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 849. By Suttle, Schimek**

Jan. 7 Title ..... 55
Jan. 28 Suttle-Landis AM2889 printed ..... 451
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 849 amended into LB 1162 by AM3603)

**LEGISLATIVE BILL 855. By Abboud**

Jan. 7 Title ..... 55
Jan. 22 Com AM0462 p. 758, First Session, adopted as amended by Abboud AM2833. Advanced for Review ..... 383
Jan. 23 Placed on Select File - AM7184 ..... 402
Feb. 5 AM7184 (E & R) adopted. Passed over ..... 545
Feb. 5 Dw. Pedersen AM3024 printed ..... 552
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 857. By Wesely, Crosby, Lynch**

Jan. 7 Title ..... 55
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE BILL 860. By Wesely**

Jan. 7 Title ..... 56
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 866. By Preister**

Jan. 7 Title ..... 56
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 867. By Preister, Beutler, Hartnett**

Jan. 7 Title ..... 56
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 868. By Schmitt, Jones**

Jan. 7 Title ..... 56
Jan. 29 Indefinitely postponed ..... 464

**LEGISLATIVE BILL 869. By Chambers**

Jan. 7 Title ..... 56
Feb. 25 Chambers motion to place on General File printed ..... 767
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 870. By Wesely, Chambers, Hillman, Landis, Schimek**

Jan. 7 Title ..... 56
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 871. By Wesely**

Jan. 7 Title ..... 56
Feb. 10 Indefinitely postponed ..... 573

**LEGISLATIVE BILL 872. By Urban Affairs Committee**

Jan. 7 Title ..... 57
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 876. By Urban Affairs Committee**

Jan. 7 Title ..... 57
Feb. 20 Urban Affairs Committee priority bill ..... 709
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 878. By Brown, Maurstad**

Jan. 7 Title ..... 57
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 878A. By Brown**

Jan. 7 Title ..... 57
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 881. By Engel, Robinson, Dw. Pedersen**

Jan. 7 Title ..... 57
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 883. By Lynch**

Jan. 7 Title ..... 57
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 884. By Crosby**

Jan. 7 Title ..... 58
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 885. By Crosby**

Jan. 7 Title ..... 58
Feb. 19 Placed on General File - Com AM3148 ..... 695
Mar. 6 Will motion to indefinitely postpone printed ..... 945
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 889. By Appropriations Committee**

Jan. 7 Title ..... 58
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 892. By Executive Board**

Jan. 7 Read first time ..... 144
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 353
Jan. 22 Placed on Select File ..... 391
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 34-0-15 ..... 630
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 893. By Executive Board**

Jan. 7 Read first time ..... 144
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 353
Jan. 22 Placed on Select File ..... 391
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 36-0-13 ..... 631
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 894. By Executive Board**

Jan. 7 Read first time ..... 144
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 353
Jan. 22 Placed on Select File ..... 391
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 36-0-13 ..... 631
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 895. By Executive Board**

Jan. 7 Read first time ..... 144
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 357
Jan. 22 Placed on Select File ..... 391
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 35-0-14 ..... 632
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 896. By Executive Board**

Jan. 7 Read first time ..... 145
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 358
Jan. 23 Placed on Select File ..... 393
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 39-0-10 ..... 633
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 897. By Executive Board**

Jan. 7 Read first time ..... 145
Jan. 8 Placed on General File ..... 162
Jan. 21 Chambers motion to indefinitely postpone withdrawn. Advanced for Review ..... 358
Jan. 23 Placed on Select File ..... 393
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 39-0-10 ..... 633
Feb. 13 Speaker signed ..... 641

Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 898. By Executive Board**

Jan. 7 Read first time ..... 145
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 358
Jan. 23 Placed on Select File ..... 393
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed. ER9114 change ..... 538
Feb. 13 Final Reading 38-0-11 ..... 634
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 899. By Executive Board**

Jan. 7 Read first time ..... 145
Jan. 8 Placed on General File ..... 162
Jan. 21 Maurstad motion to suspend rules and vote on advancement of bill prevailed. Advanced for Review ..... 361
Jan. 23 Placed on Select File ..... 393
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 38-0-11 ..... 635
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 900. By Executive Board**

Jan. 7 Read first time ..... 145
Jan. 8 Placed on General File ..... 162
Jan. 21 Maurstad motion to suspend rules and vote on advancement of bill withdrawn. Advanced for Review ..... 362
Jan. 23 Placed on Select File ..... 393
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading w/E 39-0-10 ..... 635
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 901. By Executive Board**

Jan. 7 Read first time ..... 145
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 362
Jan. 23 Placed on Select File - AM7182 ..... 393
Feb. 3 AM7182 (E & R) adopted.
Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 39-0-10 ..... 636
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 902. By Executive Board**

Jan. 7 Read first time ..... 146
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 362
Jan. 23 Placed on Select File ..... 393
Feb. 3 Advanced for Engrossment ..... 510
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 39-0-10 ..... 637
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 903. By Executive Board**

Jan. 7 Read first time ..... 146
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 362
Jan. 23 Placed on Select File - AM7183 ..... 394
Feb. 3 AM7183 (E & R) adopted.
Advanced for Engrossment ..... 511
Feb. 5 Correctly Engrossed ..... 538
Feb. 13 Final Reading 37-0-12 ..... 637
Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 904. By Executive Board**

Jan. 7 Read first time ..... 146
Jan. 8 Placed on General File ..... 162
Jan. 21 Advanced for Review ..... 362
Jan. 23 Placed on Select File - AM7181 ..... 394
Feb. 3 AM7181 (E & R) adopted.
Advanced for Engrossment ..... 511
Feb. 4 Correctly Engrossed ..... 538
Feb. 13 Final Reading 38-0-11 ..... 638

Feb. 13 Speaker signed ..... 641
Feb. 13 Presented to Governor (2/13) ..... 644
Feb. 20 Approved by Governor (2/19) ..... 708

**LEGISLATIVE BILL 905. By Coordsen**

Jan. 7 Read first time ..... 146
Jan. 8 Referred to Committee on Government, Military and Veterans Affairs ..... 162
Jan. 14 Notice of hearing (1/21) ..... 292
Jan. 27 Indefinitely postponed ..... 429

**LEGISLATIVE BILL 906. By Coordsen**

Jan. 7 Read first time ..... 146
Jan. 8 Referred to Committee on Judiciary ..... 162
Jan. 28 Notice of hearing (2/20) ..... 455
Mar. 2 Placed on General File ..... 842
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 907. By Coordsen**

Jan. 7 Read first time ..... 146
Jan. 8 Referred to Committee on Banking, Commerce and Insurance ..... 162
Feb. 9 Notice of hearing (2/17) ..... 563
Feb. 20 Indefinitely postponed ..... 712

**LEGISLATIVE BILL 908. By Coordsen**

Jan. 7 Read first time ..... 147
Jan. 8 Referred to Committee on Transportation ..... 162
Jan. 30 Notice of hearing (2/24) ..... 493
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 909. By Coordsen, Thompson, Will**

Jan. 7 Read first time ..... 147
Jan. 8 Referred to Committee on Transportation ..... 162
Jan. 30 Notice of hearing (2/9) ..... 493
Feb. 12 Placed on General File ..... 625
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 910. By Suttle**

Jan. 7 Read first time ..... 147
Jan. 8 Referred to Committee on Education ..... 162
Jan. 15 Notice of hearing (1/26) ..... 324
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 911. By Suttle**

Jan. 7 Read first time ..... 147
Jan. 8 Referred to Committee on Revenue ..... 162
Feb. 2 Notice of hearing (2/19) ..... 506
Mar. 3 Indefinitely postponed ..... 880

**LEGISLATIVE BILL 912. By Suttle**

Jan. 7 Read first time ..... 147
Jan. 8 Referred to Committee on Health and Human Services ..... 162
Jan. 14 Notice of hearing (1/21) ..... 292
Feb. 18 Placed on General File - Com AM3182 (printed separate) ..... 678
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 913. By Maurstad**

Jan. 7 Read first time ..... 147
Jan. 8 Referred to Committee on Revenue ..... 162

Jan. 21 Notice of hearing (1/28) ..... 360
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 914. By Maurstad**

Jan. 7 Read first time ..... 148
Jan. 8 Referred to Committee on Revenue ..... 162
Jan. 21 Notice of hearing (1/28) ..... 360
Jan. 23 Schimek name added ..... 409
Mar. 11 Indefinitely postponed ..... 1016

**LEGISLATIVE BILL 915. By Maurstad**

Jan. 7 Read first time ..... 148
Jan. 8 Referred to Committee on Appropriations ..... 162
Jan. 12 Brown, Crosby, Stuhr, Lynch, Dierks, Engel, Schrock, Preister, and Jones names added ..... 229
Jan. 15 Correction ..... 319
Jan. 26 Notice of hearing (2/2) ..... 423
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 915 amended into LB 1108 by AM3432)

**LEGISLATIVE BILL 916. By Maurstad**

Jan. 7 Read first time ..... 148
Jan. 8 Referred to Committee on Revenue ..... 162

Jan. 21 Notice of hearing (1/28) ..... 360
Mar. 4 Indefinitely postponed ..... 907
(Provisions/portions of LB 916 amended into LB 1104 by AM4484)

**LEGISLATIVE BILL 917. By Chambers**

Jan. 7 Read first time ..... 148
Jan. 8 Referred to Committee on Judiciary ..... 162
Jan. 14 Notice of hearing (1/21) ..... 293
Jan. 15 Chambers motion to suspend rules to permit consideration of motion to withdraw bill printed. Chambers motion to withdraw bill printed ..... 336
Jan. 20 Chambers pending motion p. 336 to withdraw bill prevailed. Withdrawn ..... 340

**LEGISLATIVE BILL 918. By Chambers**

Jan. 7 Read first time ..... 148
Jan. 8 Referred to Committee on Judiciary ..... 162
Jan. 15 Chambers motion to withdraw bill printed ..... 336
Jan. 20 Chambers pending motion p. 336 to withdraw bill prevailed. Withdrawn ..... 339

**LEGISLATIVE BILL 919. By Chambers**

Jan. 7 Read first time ..... 148
Jan. 8 Referred to Committee on Judiciary ..... 162
Jan. 15 Chambers motion to withdraw bill printed ..... 336
Jan. 20 Chambers pending motion p. 336 to withdraw bill prevailed. Withdrawn ..... 340

**LEGISLATIVE BILL 920. By Schimek**

Jan. 7 Read first time ..... 148
Jan. 8 Referred to Committee on Revenue ..... 162
Jan. 23 Notice of hearing (1/30) ..... 408
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 921. By Beutler**

Jan. 7 Read first time ..... 149
Jan. 8 Referred to Committee on Natural Resources ..... 162
Jan. 8 Notice of hearing (1/15) ..... 181
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 921 amended into LB 1161 by AM3706)

**LEGISLATIVE BILL 922. By Natural Resources Committee**

Jan. 7 Read first time ..... 149
Jan. 8 Referred to Committee on Natural Resources ..... 162
Jan. 20 Natural Resources Committee priority bill ..... 347
Jan. 21 Notice of hearing (1/28) ..... 356
Jan. 29 Placed on General File ..... 463
Feb. 17 Hilgert name added ..... 661
Mar. 9 Advanced for Review ..... 970
Mar. 10 Robak-Tyson AM3628 printed ..... 999
Mar. 17 Placed on Select File - AM7231 ..... 1100
Mar. 24 Schrock AM3624 printed ..... 1344
Mar. 25 AM7231 (E & R) adopted. Robak-Tyson pending AM3628 p. 999 pending ..... 1447
Mar. 26 Beutler AM4111 printed ..... 1475
Mar. 26 Beutler AM3828 printed ..... 1476
Mar. 26 Beutler-Jones-Schmitt-Schrock AM4135 printed ..... 1477
Mar. 26 Chambers FA653 printed. Chambers motion to indefinitely postpone printed. Hudkins FA655 to AM3828 and Cudaback-Wickersham-Beutler AM4191 printed ..... 1479
Mar. 30 Robak-Tyson pending AM3628 p. 999 withdrawn. Vrtiska FA564 to AM3628 lost. Schrock pending AM3624 p. 1344 withdrawn. Beutler unanimous consent to replace pending AM4111 p. 1475 with substitute amendment. No objections. Beutler AM4111 p. 1475 withdrawn. Beutler et al. substitute pending AM4135 p. 1477 adopted. Beutler pending AM3828 p. 1476 lost. Hudkins pending FA655 p. 1479 to AM3828 withdrawn. Chambers pending FA653 p. 1479 withdrawn. Chambers motion p. 1479 to indefinitely postpone withdrawn. Cudaback-Wickersham-Beutler pending AM4191 p. 1479 adopted. Advanced for Engrossment ..... 1543
Mar. 31 Hilgert AM4275 printed ..... 1577
Apr. 6 Hilgert AM4331 printed ..... 1737
Apr. 6 Beutler AM4409 printed ..... 1745
Apr. 7 Hilgert pending AM4275 p. 1577 withdrawn. Hilgert motion to return to Select File for pending AM4331 p. 1737 failed. Returned to Select File for Beutler pending AM4409 p. 1745. Beutler AM4409 p. 1745 adopted. Advanced for Engrossment ..... 1781
Apr. 7 Correctly Engrossed. ER9150 change ..... 1800
Apr. 9 Dispensing of reading at large approved ..... 1916
Apr. 9 Final Reading 44-1-4 ..... 1917
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/14) ..... 1977
(Provisions/portions of LB 1009 amended into LB 922 by AM4191)

**LEGISLATIVE BILL 923. By Hilgert**

Jan. 7 Read first time ..... 149
Jan. 8 Referred to Committee on Business and Labor ..... 162
Jan. 15 Notice of hearing (1/26) ..... 324
Feb. 3 Placed on General File - Com AM2981 ..... 521
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 923 amended into LB 395 by AM4147)

**LEGISLATIVE BILL 924. By Hillman, Bohlke, Brown, Coordsen, Kiel, D. Pederson, Raikes, Wehrbein, at the request of the Governor**

Jan. 7 Read first time ..... 150
Jan. 8 Hillman priority bill ..... 162
Jan. 8 Referred to Committee on Government, Military and Veterans Affairs ..... 162
Jan. 9 Rereferred to Committee on Appropriations ..... 185
Jan. 9 Chambers motion to rerefer to Government Committee printed ..... 189
Jan. 13 Chambers pending motion p. 189 to rerefer to Government Committee withdrawn ..... 266
Jan. 30 Notice of hearing (2/11) ..... 489
Mar. 6 Placed on General File - Com AM3424 (printed separate) ..... 949
Mar. 10 Com AM3424 p. 949 pending. Coordsen AM3626 to Com AM3424 adopted ..... 989
Mar. 10 Com AM3424 p. 949 pending. Bromm AM3639 to Com AM3424 adopted ..... 994
Mar. 10 Bromm AM3643 to Com AM3424 withdrawn. Com AM3424 adopted as amended. Advanced for Review ..... 998
Mar. 10 Jones FA569 printed ..... 999
Mar. 17 Coordsen AM3739 printed ..... 1051
Mar. 17 Placed on Select File - AM7232 (printed separate) ..... 1102
Mar. 18 Coordsen AM3738 printed separate ..... 1116
Mar. 18 Hillman AM3844 to AM7232 printed ..... 1134
Mar. 18 Coordsen AM3919 printed (on file) ..... 1157
Mar. 19 Correction ..... 1163
Mar. 19 AM7232 (E & R) adopted. Jones pending FA569 p. 999 lost. Coordsen pending AM3739 p. 1051 adopted ..... 1192
Mar. 19 Coordsen unanimous consent to replace pending AM3738 p. 1116 with substitute amendment. No objections. Coordsen AM3738 p. 1116 withdrawn. Coordsen substitute pending AM3919 p. 1157 adopted as amended by Bromm FA609. Hillman pending AM3844 p. 1134

adopted. Hillman unanimous consent to replace AM3895 to AM7232 with substitute amendment. No objections. Hillman AM3895 withdrawn. Bromm substitute AM3944 to AM7232 pending. Hillman FA608 to AM3944 adopted ..... 1198
Mar. 19 Hillman AM3896, AM3931, and Beutler AM3933 to AM7232 printed ..... 1203
Mar. 19 Bromm AM3922 and AM3903 to AM7232 printed ..... 1204
Mar. 19 Bromm AM3902 and AM3901 to AM7232 printed ..... 1205
Mar. 23 Bromm substitute pending AM3944 p. 1201 adopted as amended. Hillman unanimous consent to replace pending AM3896 p. 1203 with substitute amendment. No objections. Hillman AM3896 p. 1203 withdrawn. Hillman substitute AM4010 to AM7232 adopted. Chambers motion to reconsider vote on Hillman AM4010 withdrawn. Hillman pending AM3931 p. 1203 adopted ..... 1237
Mar. 23 Beutler pending AM3933 p. 1203 adopted. Bromm unanimous consent to replace pending AM3922 p. 1204 with substitute amendment. No objections. Bromm AM3922 p. 1204 withdrawn. Bromm substitute AM4024 to AM7232 adopted. Bromm pending AM3903 p. 1204 adopted ..... 1242
Mar. 23 Bromm pending AM3902 p. 1205 lost. Bromm unanimous consent to replace pending AM3901 p. 1205 with substitute amendment. No objections. Bromm pending AM3901 p. 1205 withdrawn. Bromm substitute AM4025 to AM7232 adopted. Coordsen AM4021 and AM3971 to AM7232 adopted. Bromm AM4014 to AM7232 withdrawn. Hillman AM4049 to AM3903 adopted. Advanced for Engrossment ..... 1252
Mar. 25 Correctly Engrossed. ER9137 change ..... 1385
Mar. 30 Dispensing of reading at large approved. Final Reading w/E 36-7-6 ..... 1509
Mar. 30 Speaker signed ..... 1513
Mar. 30 Presented to Governor (3/30) ..... 1516
Apr. 6 Approved by Governor (4/2) ..... 1716
(Provisions/portions of LB 42 amended into LB 924 by AM3739)
(Provisions/portions of LB 483 amended into LB 924 by AM4010)
(Provisions/portions of LB 998 amended into LB 924 by AM3919)

**LEGISLATIVE BILL 924A. By Hillman**

Mar. 9 Read first time. Placed on General File ..... 964
Mar. 10 Advanced for Review ..... 999

Mar. 17 Placed on Select File ..... 1102
Mar. 18 Hillman AM3843 printed ..... 1134
Mar. 23 Hillman pending AM3843 p. 1134 adopted.
Advanced for Engrossment ..... 1254
Mar. 25 Correctly Engrossed ..... 1385
Mar. 30 Motion to return to Select File for
Hillman FA660 withdrawn.
Final Reading w/E 34-3-12 ..... 1510
Mar. 30 Speaker signed ..... 1513
Mar. 30 Presented to Governor (3/30) ..... 1516
Apr. 6 Approved by Governor (4/2) ..... 1716

**LEGISLATIVE BILL 925. By Landis**

Jan. 7 Read first time ..... 150
Jan. 8 Referred to Committee on Appropriations ..... 162
Jan. 30 Notice of hearing (2/9) ..... 489
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 925 amended into LB 1108 by AM3432)

**LEGISLATIVE BILL 926. By Landis**

Jan. 7 Read first time ..... 150
Jan. 8 Referred to Committee on Judiciary ..... 162
Jan. 14 Notice of hearing (1/22) ..... 294
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 927. By Landis**

Jan. 7 Read first time ..... 150
Jan. 8 Referred to Committee on Transportation ..... 162
Jan. 20 Notice of hearing (1/27) ..... 346
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 928. By Landis**

Jan. 7 Read first time ..... 150
Jan. 8 Referred to Committee on General Affairs ..... 162
Jan. 14 Notice of hearing (1/26) ..... 294
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 929. By Landis**

Jan. 7 Read first time ..... 151
Jan. 8 Referred to Committee on Revenue ..... 162
Jan. 21 Notice of hearing (1/29) ..... 360
Mar. 11 Indefinitely postponed ..... 1016
(Provisions/portions of LB 929 amended into LB 1028 by AM3654)

**LEGISLATIVE BILL 930. By Robak, Hilgert, Kiel**

Jan. 7 Read first time ..... 151
Jan. 8 Referred to Committee on Revenue ..... 162
Jan. 15 Notice of hearing (1/22) ..... 333
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 931. By Suttle, Dw. Pedersen**

Jan. 7 Read first time ..... 151
Jan. 8 Referred to Committee on Revenue ..... 163
Jan. 28 Notice of hearing (2/4) ..... 451
Mar. 4 Indefinitely postponed ..... 907

**LEGISLATIVE BILL 932. By Witek**

Jan. 7 Read first time ..... 151
Jan. 8 Referred to Committee on Banking, Commerce and Insurance ..... 163
Jan. 13 Notice of hearing (1/20) ..... 277
Jan. 21 Placed on General File ..... 359
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 935
Mar. 6 Chambers pending motion p. 935 to bracket until 4/14/98 failed. Chambers pending motion p. 935 to indefinitely postpone pending ..... 952
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 932 amended into LB 1321 by AM4460)

**LEGISLATIVE BILL 933. By Wickersham**

Jan. 7 Read first time ..... 151
Jan. 8 Referred to Committee on Transportation ..... 163
Jan. 30 Notice of hearing (2/24) ..... 493
Feb. 26 Indefinitely postponed ..... 785

**LEGISLATIVE BILL 934. By Wickersham**

Jan. 7 Read first time ..... 151
Jan. 8 Referred to Committee on Revenue ..... 163
Feb. 2 Notice of hearing (2/18) ..... 505
Feb. 20 Indefinitely postponed ..... 720

**LEGISLATIVE BILL 935. By Wickersham**

Jan. 7 Read first time ..... 151
Jan. 8 Referred to Committee on Revenue ..... 163

Jan. 13 Notice of hearing (1/21) ..... 280
Feb. 2 Placed on General File - Com AM2930 ..... 500
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 935 amended into LB 306 by AM2968)

**LEGISLATIVE BILL 936. By Crosby**

Jan. 7 Read first time ..... 152
Jan. 8 Referred to Committee on Judiciary ..... 163
Jan. 21 Notice of hearing (1/29) ..... 360
Feb. 2 Indefinitely postponed ..... 500

**LEGISLATIVE BILL 937. By Crosby**

Jan. 7 Read first time ..... 152
Jan. 8 Referred to Committee on Transportation ..... 163
Jan. 12 Schimek, Robak, C. Peterson,
Dw. Pedersen names added ..... 261
Jan. 13 Hillman name added ..... 278
Jan. 30 Notice of hearing (2/17) ..... 493
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 938. By Bruning, Brown, Dw. Pedersen, Robak, Schrock, Suttle, Vrtiska**

Jan. 7 Read first time ..... 152
Jan. 8 Referred to Committee on Urban Affairs ..... 163
Jan. 14 Schrock name withdrawn ..... 316
Jan. 20 Notice of hearing (1/27) ..... 347
Jan. 21 Jensen name added ..... 368
Feb. 9 Indefinitely postponed ..... 564

**LEGISLATIVE BILL 939. By Brown, Brashear, Bruning, Coordsen, Dierks, Hartnett, Raikes, Thompson, Wehrbein, Will**

Jan. 7 Read first time ..... 152
Jan. 8 Referred to Committee on Revenue ..... 163
Jan. 12 Brown priority bill ..... 227
Jan. 12 Maurstad, Jensen, and Schrock names added ..... 229
Jan. 13 Notice of hearing (1/21) ..... 280
Jan. 23 Placed on General File ..... 394
Jan. 29 Chambers motion to indefinitely
postpone pending ..... 463
Jan. 29 Chambers pending motion p. 463 to indefinitely
postpone failed. Chambers motion to
reconsider vote on motion to indefinitely
postpone failed ..... 470
Jan. 29 Chambers FA466 printed. Lynch AM2919 printed ..... 477
Jan. 30 Chambers pending FA466 p. 477 and

Lynch pending AM2919 p. 477 lost ..... 485
Jan. 30 Advanced for Review ..... 490
Feb. 2 Engel explanation of vote ..... 496
Feb. 2 Placed on Select File ..... 500
Feb. 5 Advanced for Engrossment ..... 556
Feb. 9 Correctly Engrossed ..... 564
Feb. 12 Chambers motion to bracket until 4/22/98 printed. Chambers motion to return to appropriate committee printed. Chambers FA489 printed ..... 611
Feb. 17 Chambers pending motion p. 611 to bracket until 4/22/98 pending ..... 659
Feb. 17 Coordsen motion to bracket until 3/3/98 printed ..... 661
Feb. 19 Chambers pending motion p. 611 to bracket until 4/22/98 withdrawn. Chambers pending motion p. 611 to return to appropriate committee withdrawn. Coordsen pending motion p. 661 to bracket until 3/3/98 withdrawn. Chambers FA489 p. 611 withdrawn. Chambers unanimous consent to bracket until 3/3/98. No objections ..... 394
Mar. 2 Chambers FA535 printed ..... 833
Mar. 4 Returned to Select File for Chambers pending FA535 p. 833 prevailed ..... 897
Mar. 10 Chambers pending FA535 p. 833 withdrawn. Chambers unanimous consent to bracket until 3/12/98. Brown objected. Chambers motion to bracket until 3/12/98 failed. Readvanced to Final Reading ..... 992
Mar. 10 Final Reading 39-1-9 ..... 993
Mar. 10 President signed ..... 994
Mar. 10 Presented to Governor (3/10) ..... 997
Mar. 10 Dw. Pedersen explanation of vote ..... 1004
Mar. 11 Wehrbein explanation of vote ..... 1006
Mar. 11 Approved by Governor (3/11) ..... 1011
Mar. 19 Maurstad explanation of vote ..... 1163

**LEGISLATIVE BILL 940. By Janssen**

Jan. 7 Read first time ..... 152
Jan. 8 Referred to Committee on Education ..... 163
Jan. 13 Notice of hearing (1/20) ..... 280
Jan. 28 Placed on General File ..... 459
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 936
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 941. By Janssen, Hudkins, Vrtiska**

Jan. 7 Read first time ..... 152
Jan. 9 Referred to Committee on General Affairs ..... 185
Jan. 14 Notice of hearing (1/26) ..... 294
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 942. By Janssen**

Jan. 7 Read first time ..... 152
Jan. 9 Referred to Committee on Revenue ..... 185
Feb. 2 Notice of hearing (2/13) ..... 505
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 943. By Janssen**

Jan. 7 Read first time ..... 153
Jan. 9 Referred to Committee on Revenue ..... 185
Jan. 21 Notice of hearing (1/28) ..... 360
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 944. By Tyson**

Jan. 7 Read first time ..... 153
Jan. 9 Referred to Committee on Business and Labor ..... 185
Jan. 15 Notice of hearing (1/26) ..... 324
Jan. 27 Placed on General File ..... 432
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 936
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 944 amended into LB 1010 by AM3796)

**LEGISLATIVE BILL 945. By Tyson**

Jan. 7 Read first time ..... 153
Jan. 9 Referred to Committee on Transportation ..... 185
Jan. 15 Notice of hearing (1/26) ..... 333
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 946. By Tyson**

Jan. 7 Read first time ..... 153
Jan. 9 Referred to Committee on Urban Affairs ..... 185
Jan. 13 Notice of hearing (1/20) ..... 285
Feb. 9 Indefinitely postponed ..... 564

**LEGISLATIVE BILL 947. By Tyson, Bromm, Hilgert**

Jan. 7 Read first time ..... 153
Jan. 9 Referred to Committee on Transportation ..... 185
Jan. 30 Notice of hearing (2/23) ..... 493
Feb. 17 Wickersham name added ..... 661
Feb. 26 Placed on General File - Com AM3249 ..... 791
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 947 amended into LB 1120 by AM4081)

**LEGISLATIVE BILL 948. By Brown, Jensen**

Jan. 7 Read first time ..... 153
Jan. 9 Referred to Committee on Health and Human Services ..... 185
Jan. 14 Notice of hearing (1/21) ..... 292
Jan. 27 Placed on General File - Com AM2868 ..... 438
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 936
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 948 amended into LB 1063 by AM3815)

**LEGISLATIVE BILL 949. By Jensen, Preister, Schimek, Suttle, Wesely, at the request of the Governor**

Jan. 7 Read first time ..... 153
Jan. 9 Referred to Committee on General Affairs ..... 186
Jan. 12 Rereferred to Committee on Health and Human Services ..... 229
Jan. 15 Notice of hearing (1/28) ..... 334
Feb. 18 Placed on General File - Com AM2811 ..... 678
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 950. By Wickersham, Dierks**

Jan. 7 Read first time ..... 154
Jan. 9 Referred to Committee on Judiciary ..... 186
Jan. 14 Notice of hearing (1/22) ..... 294
Jan. 26 Indefinitely postponed ..... 415

**LEGISLATIVE BILL 951. By Crosby**

Jan. 7 Read first time ..... 154
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs ..... 186
Jan. 14 Notice of hearing (1/21) ..... 292
Jan. 20 Lynch name added ..... 349
Jan. 27 Placed on General File - Com AM2864 ..... 428
Mar. 6 Will motion to indefinitely postpone printed ..... 945

Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 951 amended into LB 1129 by AM4454)

**LEGISLATIVE BILL 951A. By Crosby**

Feb. 18 Read first time.
Placed on General File ..... 691
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 952. By Dierks, Schmitt**

Jan. 7 Read first time ..... 154
Jan. 9 Referred to Committee on Health and Human Services ..... 186
Jan. 15 Notice of hearing (1/30) ..... 334
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 953. By Dierks**

Jan. 7 Read first time ..... 154
Jan. 9 Referred to Committee on Health and Human Services ..... 186
Jan. 14 Notice of hearing (1/21) ..... 292
Mar. 18 Attorney General's Opinion #98019 to Dierks ..... 1117
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 954. By Will, Jensen**

Jan. 7 Read first time ..... 154
Jan. 9 Referred to Committee on Revenue ..... 186
Feb. 2 Notice of hearing (2/13) ..... 505
Feb. 4 Will priority bill ..... 533
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 955. By Cudaback**

Jan. 7 Read first time ..... 154
Jan. 9 Referred to Committee on Revenue ..... 186
Feb. 2 Notice of hearing (2/12) ..... 505
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 956. By Cudaback**

Jan. 7 Read first time ..... 154
Jan. 9 Referred to Committee on Natural Resources ..... 186
Feb. 11 Notice of hearing (2/18) ..... 597
Feb. 20 Indefinitely postponed ..... 714

**LEGISLATIVE BILL 957. By Cudaback**

Jan. 7 Read first time ..... 154
Jan. 9 Referred to Committee on Transportation ..... 186
Jan. 15 Notice of hearing (1/26) ..... 333
Mar. 4 Placed on General File - Com AM3068 ..... 901
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 958. By Lynch**

Jan. 8 Read first time ..... 167
Jan. 9 Referred to Committee on Judiciary ..... 186
Jan. 14 Notice of hearing (1/22) ..... 294
Jan. 26 Indefinitely postponed ..... 415

**LEGISLATIVE BILL 959. By Witek**

Jan. 8 Read first time ..... 167
Jan. 9 Referred to Committee on Judiciary ..... 186
Jan. 14 Notice of hearing (1/21) ..... 293
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 960. By Brown**

Jan. 8 Read first time ..... 167
Jan. 9 Referred to Committee on Judiciary ..... 186
Jan. 14 Notice of hearing (1/23) ..... 294
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 961. By Brown**

Jan. 8 Read first time ..... 167
Jan. 9 Referred to Committee on Revenue ..... 186
Jan. 15 Notice of hearing (1/22) ..... 333
Feb. 17 Indefinitely postponed ..... 660
(Provisions/portions of LB 961 amended into LB 1104 by AM3950)

**LEGISLATIVE BILL 962. By Kristensen, Beutler, Bruning, Coordsen, Elmer**

Jan. 8 Read first time ..... 167
Jan. 9 Referred to Committee on Transportation ..... 186
Jan. 30 Notice of hearing (2/23) ..... 493
Feb. 26 Placed on General File ..... 785
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 963. By Schrock, Bohlke, Bruning, Elmer, Engel, D. Pederson, Stuhr**

Jan. 8 Read first time ..... 167
Jan. 9 Referred to Committee on Natural Resources ..... 186
Jan. 14 Notice of hearing (1/21) ..... 304
Jan. 27 Placed on General File - Com AM2872 ..... 436
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 963 amended into LB 1161 by AM3706)

**LEGISLATIVE BILL 964. By Witek**

Jan. 8 Read first time ..... 168
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs ..... 186
Jan. 14 Notice of hearing (1/21) ..... 292
Jan. 27 Indefinitely postponed ..... 429

**LEGISLATIVE BILL 965. By Schmitt**

Jan. 8 Read first time ..... 168
Jan. 9 Referred to Committee on Government Military and Veterans Affairs ..... 186
Jan. 14 Notice of hearing (1/21) ..... 292
Jan. 27 Placed on General File ..... 428
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 936
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 966. By Schmitt, Jensen**

Jan. 8 Read first time ..... 168
Jan. 9 Referred to Committee on Judiciary ..... 186
Jan. 14 Notice of hearing (1/22) ..... 294
Jan. 26 Placed on General File ..... 415
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 967. By Schmitt, Dierks**

Jan. 8 Read first time ..... 168
Jan. 9 Referred to Committee on Agriculture ..... 186
Jan. 27 Notice of hearing (2/3) ..... 435
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 968. By Schmitt**

Jan. 8 Read first time ..... 168
Jan. 9 Referred to Committee on Health and Human Services ..... 186
Jan. 15 Notice of hearing (1/30) ..... 334
Feb. 18 Indefinitely postponed ..... 684

**LEGISLATIVE BILL 969. By Brashear**

Jan. 8 Read first time ..... 168
Jan. 9 Referred to Committee on Judiciary ..... 186
Jan. 14 Notice of hearing (1/22) ..... 294
Jan. 26 Placed on General File ..... 415
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 936
Mar. 6 Chambers pending motion p. 936 to bracket until 4/14/98 withdrawn ..... 953
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 969 amended into LB 218 by AM4474)

**LEGISLATIVE BILL 970. By Brashear**

Jan. 8 Read first time ..... 168
Jan. 9 Referred to Committee on Judiciary ..... 186
Jan. 14 Notice of hearing (1/22) ..... 294
Jan. 26 Placed on General File ..... 415
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 970 amended into LB 234 by AM3315)

**LEGISLATIVE BILL 971. By Cudaback**

Jan. 8 Read first time ..... 169
Jan. 9 Referred to Committee on Revenue ..... 186
Jan. 13 Notice of hearing (1/21) ..... 280
Feb. 2 Indefinitely postponed ..... 505

**LEGISLATIVE BILL 972. By Witek**

Jan. 8 Read first time ..... 169
Jan. 9 Referred to Committee on Judiciary ..... 186
Jan. 21 Notice of hearing (1/28) ..... 360
Jan. 28 Dw. Pedersen name added ..... 460
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 973. By Cudaback**

Jan. 8 Read first time ..... 169
Jan. 9 Referred to Committee on Transportation ..... 186
Jan. 30 Notice of hearing (2/17) ..... 493
Feb. 20 Placed on General File ..... 712
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 974. By Wickersham, Preister**

Jan. 8 Read first time ..... 169
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs ..... 186
Jan. 21 Notice of hearing (1/28) ..... 356
Feb. 2 Placed on General File ..... 496
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 975. By Wickersham, Robinson**

Jan. 8 Read first time ..... 169
Jan. 9 Referred to Committee on Appropriations ..... 186
Jan. 12 Rereferred to Committee on Urban Affairs ..... 229
Jan. 13 Notice of hearing (1/20) ..... 285
Jan. 22 Placed on General File - Com AM2825 ..... 389
Feb. 23 Speaker priority bill ..... 744
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 976. By Wehrbein**

Jan. 8 Read first time ..... 169
Jan. 9 Referred to Committee on Appropriations ..... 186
Jan. 30 Wehrbein priority bill ..... 483
Jan. 30 Notice of hearing (2/17) ..... 490
Mar. 6 Placed on General File - Com AM3407 ..... 949
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 977. By Witek**

Jan. 8 Read first time ..... 170
Jan. 9 Referred to Committee on Education ..... 186
Jan. 13 Notice of hearing (1/20) ..... 280
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 978. By Preister, Hilgert, Kiel**

Jan. 8 Read first time ..... 170
Jan. 9 Referred to Committee on Banking, Commerce and Insurance ..... 186
Feb. 2 Notice of hearing (2/9) ..... 506
Feb. 11 Indefinitely postponed ..... 598

**LEGISLATIVE BILL 979. By Preister, Hilgert, Kiel**

Jan. 8 Read first time ..... 170
Jan. 9 Referred to Committee on Banking, Commerce and Insurance ..... 186
Feb. 2 Notice of hearing (2/9) ..... 506
Feb. 11 Indefinitely postponed ..... 598

**LEGISLATIVE BILL 980. By Preister, Hilgert, Kiel, Lynch**

Jan. 8 Read first time ..... 170
Jan. 9 Referred to Committee on Revenue ..... 186
Feb. 2 Notice of hearing (2/26) ..... 506
Mar. 4 Indefinitely postponed ..... 908

**LEGISLATIVE BILL 981. By Crosby, Dierks, Engel, Hartnett, Jones, Witek**

Jan. 8 Read first time ..... 170
Jan. 9 Referred to Committee on Judiciary ..... 186
Jan. 9 Maurstad name added ..... 210
Jan. 21 Notice of hearing (1/28) ..... 360
Jan. 26 Dw. Pedersen name added ..... 425
Jan. 27 Hudkins and Preister names added ..... 447
Jan. 30 Hilgert name added ..... 493
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 982. By Kristensen**

Jan. 8 Read first time ..... 170
Jan. 9 Referred to Committee on Revenue ..... 186
Jan. 15 Notice of hearing (1/23) ..... 333
Feb. 17 Indefinitely postponed ..... 660
(Provisions/portions of LB 982 amended into LB 1104 by AM3950)

**LEGISLATIVE BILL 983. By Bruning**

Jan. 8 Read first time ..... 170
Jan. 9 Referred to Committee on Business and Labor ..... 186
Jan. 15 Notice of hearing (1/26) ..... 324
Jan. 27 Indefinitely postponed ..... 432

**LEGISLATIVE BILL 984. By Wehrbein, Dierks, Hudkins, Jones, Schrock**

Jan. 8 Read first time ..... 171
Jan. 9 Referred to Committee on Agriculture ..... 186
Jan. 26 Brashear-Dw. Pedersen-Chambers-Abboud and Hilgert motion to rerefer to Judiciary Committee printed ..... 424
Jan. 27 Brashear et al. pending motion p. 424 to rerefer to Judiciary Committee prevailed ..... 431
Jan. 28 Notice of hearing (2/4) ..... 455
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 985. By Schimek, Dierks, Janssen, Matzke, Preister, Stuhr, Suttle, Thompson**

| | | | |
|---|---|---|---|
| Jan. | 8 | Read first time | 171 |
| Jan. | 9 | Referred to Committee on Banking, Commerce and Insurance | 186 |
| Feb. | 9 | Notice of hearing (2/17) | 563 |
| Feb. | 26 | Placed on General File - Com AM3316 | 792 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 986. By Bromm**

| | | | |
|---|---|---|---|
| Jan. | 8 | Read first time | 171 |
| Jan. | 9 | Referred to Committee on Transportation | 186 |
| Jan. | 30 | Notice of hearing (2/10) | 493 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 987. By Jones, Jensen**

| | | | |
|---|---|---|---|
| Jan. | 8 | Read first time | 182 |
| Jan. | 9 | Referred to Committee on Judiciary | 186 |
| Jan. | 21 | Notice of hearing (1/28) | 360 |
| Feb. | 20 | Placed on General File | 712 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 988. By Wehrbein, Engel**

| | | | |
|---|---|---|---|
| Jan. | 8 | Read first time | 182 |
| Jan. | 9 | Referred to Committee on Appropriations | 186 |
| Jan. | 9 | Hillman, Kiel, Brown, Kristensen, Coordsen, Dw. Pedersen, D. Pederson, Engel, and Matzke names added | 210 |
| Jan. | 12 | Stuhr name added | 229 |
| Jan. | 13 | Bromm, Lynch, Maurstad, C. Peterson and Thompson names added | 277 |
| Jan. | 21 | Notice of hearing (1/28) | 357 |
| Feb. | 3 | Placed on General File | 520 |
| Feb. | 13 | Appropriations Committee priority bill | 641 |
| Mar. | 3 | Chambers FA542 adopted. Chambers FA543 withdrawn. Advanced for Review | 862 |
| Mar. | 3 | Placed on Select File - AM7212 | 893 |
| Mar. | 10 | AM7212 (E & R) adopted. Advanced for Engrossment | 981 |
| Mar. | 11 | Correctly Engrossed | 1011 |
| Mar. | 20 | Final Reading 41-1-7 | 1212 |
| Mar. | 20 | Speaker signed | 1215 |
| Mar. | 20 | Presented to Governor (3/20) | 1218 |
| Mar. | 25 | Approved by Governor (3/25) | 1390 |

**LEGISLATIVE BILL 989. By Coordsen, Hartnett, Hilgert, Landis, C. Peterson, Raikes, Schellpeper, Wickersham, Will, at the request of the Governor**

Jan. 8 Read first time ..... 182
Jan. 9 Referred to Committee on Revenue ..... 186
Jan. 15 Stuhr name added ..... 337
Jan. 15 Notice of hearing (1/22) ..... 333
Jan. 21 Coordsen priority bill ..... 352
Mar. 2 Placed on General File - Com AM3370 (printed separate) ..... 847
Mar. 2 Kristensen AM3396 to Com AM3370 printed ..... 855
Mar. 3 Coordsen-Raikes-Wickersham-Hartnett-Schellpeper AM3472 to Com AM3370 printed ..... 894
Mar. 4 Kristensen AM3467 and AM3454 to Com AM3370 printed ..... 900
Mar. 5 Kristensen pending AM3396 p. 855 withdrawn. Coordsen et al. pending AM3472 p. 894 to Com AM3370 adopted. Kristensen pending AM3454 p. 900 to Com AM3370 withdrawn. Kristensen pending AM3467 p. 900 to Com AM3370 adopted ..... 930
Mar. 5 Com AM3370 p. 847 adopted as amended. Advanced for Review ..... 932
Mar. 9 Placed on Select File - AM7218 ..... 969
Mar. 12 Will AM3674 to Com AM3370 printed ..... 1036
Mar. 12 Witek AM3744 to Com AM3370 printed ..... 1041
Mar. 17 Coordsen AM3790 to Com AM3370 printed ..... 1092
Mar. 17 Tyson AM3769 to Com AM3370 printed ..... 1098
Mar. 18 Preister AM3866 and Schimek AM3858 to AM3769 printed ..... 1157
Mar. 18 Lynch AM3861 and Hilgert AM3875 to AM3769 printed ..... 1158
Mar. 18 Schimek AM3860, Preister AM3865, and Lynch AM3859 to AM3769 printed ..... 1159
Mar. 18 Hilgert AM3874 and AM3876 to AM3769 printed ..... 1160
Mar. 23 AM7218 (E & R) adopted. Kristensen reoffered AM3454 p. 900 withdrawn. Witek pending AM3744 p. 1041 ruled not germane. Coordsen pending AM3790 p. 1092 adopted as amended by Coordsen AM4004. Tyson pending AM3769 p. 1098 ruled germane. Kiel motion to overrule Chair withdrawn. Tyson pending AM3769 p. 1098 lost ..... 1254
Mar. 23 Preister pending AM3866 and AM3865 p. 1157 and p. 1159 withdrawn. Schimek pending AM3858 and AM3860 p. 1157 and p. 1159 withdrawn. Lynch pending AM3861 and AM3859 p. 1158 and p. 1159 withdrawn. Hilgert

pending AM3875, AM3874, and AM3876 p. 1158 and p. 1160 withdrawn. Will pending AM3674 p. 1036 withdrawn. Coordsen AM4057 to AM3370 adopted. Advanced for Engrossment ..... 1263
Mar. 26 Correctly Engrossed. ER9138 change ..... 1455
Apr. 1 Chambers FA713 printed ..... 1669
Apr. 2 Chambers motion to return to Select File for FA713 p. 1669 withdrawn. Dispensing of reading at large not approved. Final Reading w/E 39-5-5 ..... 1676
Apr. 2 Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 7 Approved by Governor (4/7) ..... 1818

**LEGISLATIVE BILL 990. By Bruning**

Jan. 8 Read first time ..... 182
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs ..... 186
Jan. 15 Notice of hearing (1/22) ..... 320
Jan. 27 Indefinitely postponed ..... 429

**LEGISLATIVE BILL 991. By Abboud**

Jan. 8 Read first time ..... 182
Jan. 9 Referred to Committee on Urban Affairs ..... 186
Jan. 13 Notice of hearing (1/20) ..... 285
Jan. 29 Indefinitely postponed ..... 477

**LEGISLATIVE BILL 992. By Wickersham, Bohlke**

Jan. 8 Read first time ..... 182
Jan. 9 Referred to Committee on Revenue ..... 186
Feb. 2 Notice of hearing (2/19) ..... 506
Mar. 11 Indefinitely postponed ..... 1016

**LEGISLATIVE BILL 993. By Revenue Committee**

Jan. 8 Read first time ..... 183
Jan. 9 Referred to Committee on Revenue ..... 186
Jan. 13 Notice of hearing (1/21) ..... 280
Feb. 4 Placed on General File - Com AM2990 ..... 525
Feb. 23 Speaker priority bill ..... 744
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 993 amended into LB 1104 by AM3950)

**LEGISLATIVE BILL 994. By Revenue Committee**

Jan. 8 Read first time ..... 183
Jan. 9 Referred to Committee on Revenue ..... 186
Jan. 13 Notice of hearing (1/21) ..... 280
Mar. 11 Indefinitely postponed ..... 1016
(Provisions/portions of LB 994 amended into LB 306 by AM2828)

**LEGISLATIVE BILL 995. By Hilgert**

Jan. 8 Read first time ..... 183
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs ..... 186
Jan. 15 Notice of hearing (1/22) ..... 320
Jan. 28 Placed on General File - Com AM2824 ..... 449
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 936
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 996. By Will**

Jan. 9 Read first time ..... 189
Jan. 12 Referred to Committee on Transportation ..... 229
Jan. 15 Notice of hearing (1/26) ..... 333
Jan. 30 Indefinitely postponed ..... 488

**LEGISLATIVE BILL 997. By Chambers**

Jan. 9 Read first time ..... 189
Jan. 12 Referred to Committee on Judiciary ..... 229
Jan. 15 Chambers motion to withdraw bill printed ..... 336
Jan. 20 Chambers pending motion p. 336 to withdraw bill prevailed. Withdrawn ..... 340

**LEGISLATIVE BILL 998. By Coordsen, Bromm, Kristensen**

Jan. 9 Read first time ..... 189
Jan. 12 Referred to Committee on Transportation ..... 229
Jan. 27 Notice of hearing (2/3) ..... 435
Feb. 13 Placed on General File - Com AM3054 ..... 640
Feb. 20 Transportation priority bill ..... 721
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 998 amended into LB 924 by AM3919)

**LEGISLATIVE BILL 999. By Schellpeper, Cudaback, Hartnett, Janssen, Robak, Vrtiska**

Jan. 9 Read first time ..... 189
Jan. 12 Referred to Committee on General Affairs ..... 229
Jan. 14 Notice of hearing (1/26) ..... 294

Feb. 4 General Affairs Committee priority bill ..... 529
Mar. 2 Placed on General File - Com AM3395 ..... 834
Mar. 11 Janssen AM3698 to Com AM3395 printed ..... 1016
Mar. 11 Hilgert AM3700 to Com AM3395 printed ..... 1017
Mar. 11 Robak AM3702 to Com AM3395 printed ..... 1018
Mar. 12 Robinson AM3565 to Com AM3395 printed ..... 1032
Mar. 17 Schellpeper AM3774 to Com AM3395 printed ..... 1068
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1000. By Schellpeper, Cudaback, Hartnett, Hudkins, Janssen, Robak, Vrtiska**

Jan. 9 Read first time ..... 190
Jan. 12 Referred to Committee on Transportation ..... 229
Jan. 20 Notice of hearing (1/27) ..... 346
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1001. By Schellpeper, Kiel, Preister, Schimek**

Jan. 9 Read first time ..... 190
Jan. 12 Referred to Committee on General Affairs ..... 229
Jan. 30 Notice of hearing (2/9) ..... 489
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1002. By General Affairs Committee**

Jan. 9 Read first time ..... 190
Jan. 12 Referred to Committee on General Affairs ..... 230
Jan. 23 Notice of hearing (2/2) ..... 409
Feb. 3 Placed on General File ..... 520
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1003. By C. Peterson**

Jan. 9 Read first time ..... 190
Jan. 12 Referred to Committee on Judiciary ..... 230
Jan. 14 Notice of hearing (1/21) ..... 293
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1004. By C. Peterson, Beutler, Bohlke, Cudaback, Jones, Kristensen, Schmitt, Willhoft**

Jan. 9 Read first time ..... 190
Jan. 12 Referred to Committee on Natural Resources ..... 230
Jan. 14 Notice of hearing (1/21) ..... 304
Jan. 26 Placed on General File - Com AM2834 ..... 423
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1004 amended into LB 656 by AM2859)

**LEGISLATIVE BILL 1005. By C. Peterson, Bohlke, Jones, Kristensen, Schmitt, Willhoft**

Jan. 9 Read first time ..... 191
Jan. 12 Referred to Committee on Appropriations ..... 230
Jan. 30 Notice of hearing (2/9) ..... 489
Feb. 5 C. Peterson priority bill ..... 551
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1005 amended into LB 1108 by AM3432)

**LEGISLATIVE BILL 1006. By Brown, Wesely**

Jan. 9 Read first time ..... 191
Jan. 12 Referred to Committee on Education ..... 230
Jan. 26 Notice of hearing (2/2) ..... 416
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1007. By Robak**

Jan. 9 Read first time ..... 191
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs ..... 230
Jan. 15 Notice of hearing (1/22) ..... 320
Jan. 27 Placed on General File ..... 428
Feb. 23 Speaker priority bill ..... 744
Mar. 31 Passed over ..... 1584
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1007A. By Robak**

Mar. 31 Read first time. Placed on General File ..... 1567
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1008. By Wickersham, Bromm**

Jan. 9 Read first time ..... 191
Jan. 12 Referred to Committee on Education ..... 230
Jan. 13 Notice of hearing (1/20) ..... 280
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1008 amended into LB 1219 by AM4182)

**LEGISLATIVE BILL 1009. By Wickersham**

Jan. 9 Read first time ..... 191
Jan. 12 Referred to Committee on Natural Resources ..... 230
Feb. 11 Notice of hearing (2/18) ..... 597
Feb. 20 Placed on General File - Com AM3235 ..... 722
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1009 amended into LB 922 by AM4191)

**LEGISLATIVE BILL 1010. By Abboud, Chambers, Dierks, Hilgert, Preister, Schimek, Schrock**

Jan. 9 Read first time ..... 191
Jan. 12 Referred to Committee on Business and Labor ..... 230
Jan. 15 Notice of hearing (1/26) ..... 324
Jan. 15 Chambers name withdrawn ..... 337
Jan. 21 Business and Labor Committee priority bill ..... 352
Jan. 27 Placed on General File ..... 432
Mar. 5 Advanced for Review ..... 912
Mar. 9 Placed on Select File ..... 969
Mar. 17 Tyson AM3796 printed ..... 1062
Mar. 18 Lynch-Hilgert AM3532 printed ..... 1136
Mar. 24 Tyson pending AM3796 p. 1062 and Lynch-Hilgert pending AM3532 p. 1136 adopted. Will AM3273 lost. Chambers FA631 to AM3273 lost ..... 1283
Mar. 25 Advanced for Engrossment ..... 1372
Mar. 30 Correctly Engrossed. ER9144 change ..... 1501
Apr. 1 Chambers FA714 printed ..... 1669
Apr. 2 Chambers pending FA714 p. 1669 withdrawn. Dispensing of reading at large approved. Final Reading 46-0-3 ..... 1677
Apr. 2 Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 8 Approved by Governor (4/8) ..... 1874
(Provisions/portions of LB 944 amended into LB 1010 by AM3796)

**LEGISLATIVE BILL 1011. By Brashear**

Jan. 9 Read first time ..... 191
Jan. 12 Referred to Committee on Judiciary ..... 230
Jan. 21 Notice of hearing (1/29) ..... 360
Feb. 2 Indefinitely postponed ..... 500

**LEGISLATIVE BILL 1012. By Brashear**

Jan. 9 Read first time ..... 192
Jan. 12 Referred to Committee on Judiciary ..... 230
Jan. 21 Notice of hearing (1/29) ..... 360
Feb. 2 Indefinitely postponed ..... 500

**LEGISLATIVE BILL 1013. By Janssen, Cudaback**

Jan. 9 Read first time ..... 192
Jan. 12 Referred to Committee on General Affairs ..... 230
Jan. 23 Notice of hearing (2/2) ..... 409
Feb. 3 Placed on General File ..... 520
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1014. By Janssen, Cudaback, Tyson**

Jan. 9 Read first time ..... 192
Jan. 12 Referred to Committee on Revenue ..... 230
Jan. 28 Notice of hearing (2/4) ..... 451
Mar. 11 Indefinitely postponed ..... 1016

**LEGISLATIVE BILL 1015. By Wickersham**

Jan. 9 Read first time ..... 200
Jan. 12 Referred to Committee on Revenue ..... 230
Jan. 13 Notice of hearing (1/21) ..... 280
Jan. 23 Placed on General File ..... 394
Feb. 24 Chambers FA521 withdrawn. Advanced for Review ..... 748
Feb. 25 Placed on Select File ..... 772
Feb. 26 Advanced for Engrossment ..... 798
Feb. 27 Correctly Engrossed ..... 824
Mar. 5 Landis AM3525 printed ..... 920
Apr. 8 Landis pending AM3525 p. 920 withdrawn.
Final Reading w/E 43-0-6 ..... 1890
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 1016. By Wesely**

Jan. 9 Read first time ..... 200
Jan. 12 Referred to Committee on Health and
Human Services ..... 230
Jan. 14 Notice of hearing (1/21) ..... 292
Feb. 18 Placed on General File - Com AM3168 ..... 680
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1016 amended into LB 1073 by AM3607)

**LEGISLATIVE BILL 1017. By Wesely**

Jan. 9 Read first time ..... 201
Jan. 12 Referred to Committee on Health and
Human Services ..... 230
Jan. 15 Notice of hearing (1/30) ..... 334
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1018. By Wehrbein**

Jan. 9 Read first time ..... 201
Jan. 12 Referred to Committee on Judiciary ..... 230
Jan. 14 Notice of hearing (1/22) ..... 294
Jan. 26 Indefinitely postponed ..... 415

**LEGISLATIVE BILL 1019. By Wehrbein**

| | | | |
|---|---|---|---|
| Jan. | 9 | Read first time | 201 |
| Jan. | 12 | Referred to Committee on Transportation | 230 |
| Jan. | 30 | Notice of hearing (2/17) | 493 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1020. By Wehrbein**

| | | | |
|---|---|---|---|
| Jan. | 9 | Read first time | 201 |
| Jan. | 12 | Referred to Committee on Government, Military and Veterans Affairs | 230 |
| Jan. | 15 | Notice of hearing (1/23) | 320 |
| Feb. | 2 | Indefinitely postponed | 496 |

**LEGISLATIVE BILL 1021. By Kristensen**

| | | | |
|---|---|---|---|
| Jan. | 9 | Read first time | 201 |
| Jan. | 12 | Referred to Committee on Judiciary | 230 |
| Jan. | 14 | Notice of hearing (1/23) | 294 |
| Jan. | 27 | Indefinitely postponed | 428 |

**LEGISLATIVE BILL 1022. By Cudaback, Coordsen, Dierks, Janssen, Schellpeper, Wickersham**

| | | | |
|---|---|---|---|
| Jan. | 9 | Read first time | 201 |
| Jan. | 12 | Referred to Committee on General Affairs | 230 |
| Jan. | 14 | Notice of hearing (1/26) | 294 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1023. By Natural Resources Committee**

| | | | |
|---|---|---|---|
| Jan. | 9 | Read first time | 201 |
| Jan. | 12 | Referred to Committee on Natural Resources | 230 |
| Jan. | 21 | Notice of hearing (1/29) | 356 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1024. By Elmer, Beutler, Schrock**

| | | | |
|---|---|---|---|
| Jan. | 9 | Read first time | 202 |
| Jan. | 12 | Referred to Committee on Natural Resources | 230 |
| Feb. | 11 | Notice of hearing (2/20) | 597 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1025. By C. Peterson, Crosby, Schmitt, Wickersham, Willhoft**

| | | | |
|---|---|---|---|
| Jan. | 9 | Read first time | 202 |
| Jan. | 12 | Referred to Committee on Revenue | 230 |

Feb. 2 Notice of hearing (2/18) ..... 505
Feb. 23 Placed on General File - Com AM3232 ..... 736
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1026. By C. Peterson, Cudaback, Tyson, Willhoft**

Jan. 9 Read first time ..... 202
Jan. 12 Referred to Committee on Revenue ..... 230
Feb. 2 Notice of hearing (2/19) ..... 506
Mar. 2 Placed on General File - Com AM3415 ..... 847
Mar. 17 Vrtiska AM3793 to Com AM3415 printed ..... 1085
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1027. By C. Peterson, Cudaback, Schmitt, Willhoft**

Jan. 9 Read first time ..... 202
Jan. 12 Referred to Committee on Transportation ..... 230
Jan. 30 Notice of hearing (2/9) ..... 493
Mar. 23 Indefinitely postponed ..... 1240

**LEGISLATIVE BILL 1028. By Will, Bohlke, Brashear, Brown, Bruning, Crosby, Cudaback, Elmer, Engel, Hartnett, Hilgert, Hillman, Jensen, Kiel, Maurstad, Dw. Pedersen, C. Peterson, Preister, Raikes, Robak, Robinson, Suttle, Thompson, Tyson, Wehrbein, Wesely, Willhoft, Witek, at the request of the Governor**

Jan. 9 Read first time ..... 202
Jan. 12 Suttle priority bill ..... 213
Jan. 12 Referred to Committee on Revenue ..... 230
Jan. 21 Notice of hearing (1/28) ..... 360
Mar. 11 Placed on General File - Com AM3654 ..... 1015
Mar. 12 Wehrbein AM3736 to Com AM3654 printed ..... 1041
Mar. 17 Suttle AM3777 to Com AM3654 printed ..... 1067
Mar. 20 Will-Hartnett-Coordsen-Wickersham-Raikes-Schellpeper-C. Peterson AM3949 to Com AM3654 printed ..... 1218
Mar. 23 Executive Board approval of Speaker major proposal ..... 1273
Mar. 25 Com AM3654 p. 1015 adopted as amended by Wehrbein pending AM3736 p. 1041 and Will et al. pending AM3949 p. 1218. Advanced for Review ..... 1354
Mar. 25 Maurstad AM4120 printed ..... 1387
Mar. 26 Placed on Select File - AM7238 (printed separate) ..... 1474
Mar. 30 Suttle AM4213 to AM7238 printed ..... 1517
Mar. 31 Raikes AM4270 to AM4213 printed ..... 1587
Mar. 31 Suttle AM4317 to AM7238 printed ..... 1600

Mar. 31 Suttle AM4318 to AM7238 printed ..... 1602
Mar. 31 Wickersham AM4277 to AM7238 printed ..... 1612
Apr. 1 AM7238 (E & R) adopted. Suttle unanimous consent to replace pending AM3777 p. 1067 with substitute amendment. No objections. Suttle AM3777 p. 1067 withdrawn. Suttle substitute pending AM4317 p. 1600 lost. Raikes AM4320 to AM4317 withdrawn ..... 1653
Apr. 1 Maurstad unanimous consent to replace pending AM4120 p. 1387 with substitute amendment. No objections. Maurstad AM4120 p. 1387 withdrawn. Maurstad substitute AM4361 to AM7238 lost ..... 1663
Apr. 1 Suttle pending AM4213 and AM4318 p. 1517 and p. 1602 withdrawn. Raikes pending AM4270 p. 1587 and Wickersham pending AM4277 p. 1612 withdrawn. Advanced for Engrossment .... 1665
Apr. 6 Correctly Engrossed ..... 1711
Apr. 6 Chambers AM4448 printed ..... 1725
Apr. 14 Chambers pending AM4448 p. 1725 withdrawn. Final Reading 45-2-2 ..... 1969
Apr. 14 President signed ..... 1970
Apr. 14 Presented to Governor (4/14) ..... 1974
Apr. 14 Landis name added ..... 1973
Apr. 20 Approved by Governor (4/14) ..... 1985
(Provisions/portions of LB 929 amended into LB 1028 by AM3654)

**LEGISLATIVE BILL 1029. By C. Peterson, Schmitt**

Jan. 9 Read first time ..... 203
Jan. 12 Referred to Committee on Judiciary ..... 230
Jan. 14 Notice of hearing (1/22) ..... 294
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1030. By C. Peterson, Engel, Jensen, Preister, Willhoft**

Jan. 9 Read first time ..... 203
Jan. 12 Referred to Committee on Transportation ..... 230
Jan. 26 Notice of hearing (2/2) ..... 416
Feb. 9 Placed on General File - Com AM3006 ..... 559
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1031. By C. Peterson, Dierks, Tyson**

Jan. 9 Read first time ..... 203
Jan. 12 Referred to Committee on Education ..... 230
Jan. 27 Notice of hearing (2/3) ..... 430

Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1031 amended into LB 1229 by AM3936)

**LEGISLATIVE BILL 1032. By Wickersham, Bruning, Coordsen, Cudaback, Engel, Hartnett, Jensen, Jones, Kiel, Matzke, Dw. Pedersen, D. Pederson, C. Peterson, Raikes, Schellpeper, Schrock, Tyson, Wehrbein**

Jan. 9 Read first time ..... 203
Jan. 12 Referred to Committee on Revenue ..... 230
Jan. 20 Bruning name withdrawn ..... 349
Jan. 23 Notice of hearing (1/30) ..... 408
Jan. 23 Dw. Pedersen name withdrawn ..... 410
Jan. 27 Engel and Jensen names withdrawn ..... 448
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1033. By Hilgert, Brown, Bruning, Dierks, Elmer, Engel, Janssen, Kiel, Preister, Robak, Schrock, Tyson, Wickersham**

Jan. 9 Read first time ..... 203
Jan. 12 Referred to Committee on Transportation ..... 230
Jan. 20 Notice of hearing (1/27) ..... 346
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1034. By Landis**

Jan. 9 Read first time ..... 203
Jan. 12 Referred to Committee on Banking, Commerce and Insurance ..... 230
Jan. 13 Notice of hearing (1/20) ..... 277
Jan. 21 Placed on General File ..... 359
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1034 amended into LB 1321 by FA733)

**LEGISLATIVE BILL 1035. By Landis**

Jan. 9 Read first time ..... 204
Jan. 12 Referred to Committee on Banking, Commerce and Insurance ..... 230
Jan. 13 Notice of hearing (1/20) ..... 277
Jan. 21 Placed on General File - Com AM2797 ..... 359
Feb. 2 Banking, Commerce and Insurance Committee priority bill ..... 505
Mar. 3 Com AM2797 p. 359 adopted as amended by Chambers FA544. Advanced for Review. Hillman AM3453 printed ..... 863
Mar. 3 Suttle-Landis AM3322 printed ..... 870
Mar. 4 Placed on Select File ..... 906

Mar. 6 Brown AM3452 printed ..... 953
Mar. 10 Hillman unanimous consent to replace pending AM3453 p. 863 with substitute amendment. No objections. Hillman AM3453 p. 863 withdrawn. Hillman substitute AM3596 withdrawn ..... 981
Mar. 10 Suttle-Landis pending AM3322 p. 870 and Brown pending AM3452 p. 953 withdrawn. Beutler motion to bracket until 3/17/98 withdrawn. Advanced for Engrossment ..... 983
Mar. 11 Correctly Engrossed ..... 1020
Mar. 17 Landis AM3791 printed separate ..... 1060
Mar. 17 Brown AM3691 printed ..... 1088
Mar. 24 Landis AM4069 printed ..... 1318
Mar. 30 Hillman FA659 printed ..... 1504
Apr. 8 Returned to Select File for Landis pending AM4069 p. 1318. Landis AM4069 p. 1318 adopted. Advanced for Reengrossment ..... 1846
Apr. 8 Correctly Reengrossed ..... 1851
Apr. 8 Returned to Select File for Landis pending AM3791 p. 1060. Landis AM3791 p. 1060 adopted. Advanced for Reengrossment ..... 1861
Apr. 8 Brown pending AM3691 p. 1088 and Hillman FA695 pending p. 1504 withdrawn ..... 1862
Apr. 8 Correctly Reengrossed ..... 1892
Apr. 8 ER9168 change ..... 1893
Apr. 14 Dispensing of reading at large approved. Final Reading w/E 49-0-0 ..... 1947
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/18) ..... 1986
(Provisions/portions of LB 1042 amended into LB 1035 by AM3791)

**LEGISLATIVE BILL 1036. By Kristensen**

Jan. 9 Read first time ..... 204
Jan. 12 Referred to Committee on Revenue ..... 230
Jan. 21 Notice of hearing (1/29) ..... 360
Mar. 11 Indefinitely postponed ..... 1016

**LEGISLATIVE BILL 1037. By Landis**

Jan. 9 Read first time ..... 204
Jan. 12 Referred to Committee on Revenue ..... 230
Jan. 21 Notice of hearing (1/29) ..... 360
Mar. 11 Indefinitely postponed ..... 1016

**LEGISLATIVE BILL 1038. By Landis, Wesely**

Jan. 9 Read first time ..... 204
Jan. 12 Referred to Committee on Judiciary ..... 230
Jan. 14 Notice of hearing (1/21) ..... 294
Feb. 18 Placed on General File - Com AM2851 ..... 674
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1038 amended into LB 1073 by AM3593)

**LEGISLATIVE BILL 1039. By Landis**

Jan. 9 Read first time ..... 204
Jan. 12 Referred to Committee on Judiciary ..... 230
Jan. 28 Notice of hearing (2/12) ..... 455
Feb. 17 Placed on General File - Com AM3127 ..... 654
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1040. By Suttle, Dierks, Jensen, Matzke, Thompson, Wesely**

Jan. 9 Read first time ..... 205
Jan. 12 C. Peterson name added ..... 229
Jan. 12 Referred to Committee on Health and Human Services ..... 230
Jan. 15 Notice of hearing (1/28) ..... 334
Feb. 4 Placed on General File - Com AM2954 ..... 530
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1040 amended into LB 1073 by AM2955)

**LEGISLATIVE BILL 1041. By Matzke, Brown, Hillman, D. Pederson Wesely, Wickersham**

Jan. 9 Read first time ..... 205
Jan. 12 Referred to Committee on Health and Human Services ..... 230
Jan. 15 Notice of hearing (1/22) ..... 334
Jan. 27 Matzke priority bill ..... 429
Feb. 10 Placed on General File - Com AM3050 (printed separate) ..... 569
Feb. 12 Pending ..... 610
Feb. 12 Chambers motion to bracket until 2/13/98 withdrawn. Com AM3050 p. 569 adopted ..... 611
Feb. 12 Chambers FA490 to Com AM3050 lost. Chambers motion to indefinitely postpone withdrawn. Advanced for Review ..... 615
Feb. 12 Beutler FA491 to Com AM3050 printed ..... 617
Feb. 12 Maurstad name added ..... 625
Feb. 17 Placed on Select File - AM7203 ..... 659
Mar. 5 Chambers FA558 to Com AM3050 printed ..... 922
Mar. 10 AM7203 (E & R) adopted. Beutler pending FA491 p. 617 and Chambers pending FA558

p. 922 withdrawn. Matzke AM3544 and Matzke-Chambers AM3569 to Com AM3050 adopted. Chambers FA568 adopted. Advanced for Engrossment ..... 983
Mar. 17 Correctly Engrossed. ER9127 change ..... 1050
Mar. 17 Will AM3689 printed ..... 1066
Apr. 8 Will pending AM3689 p. 1066 withdrawn. Dispensing of reading at large approved. Final Reading w/E 43-0-6 ..... 1882
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977
(Provisions/portions of LB 1079 amended into LB 1041 by AM3050)

**LEGISLATIVE BILL 1041A. By Matzke**

Feb. 19 Read first time. Placed on General File ..... 705
Feb. 25 Advanced for Review ..... 757
Feb. 26 Placed on Select File - AM7211 ..... 780
Mar. 10 AM7211 (E & R) adopted. Matzke AM3563 adopted. Advanced for Engrossment ..... 985
Mar. 17 Correctly Engrossed ..... 1050
Apr. 8 Final Reading w/E 42-0-7 ..... 1883
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 1042. By Landis, Brown, Hillman, C. Peterson, Schimek**

Jan. 9 Read first time ..... 205
Jan. 12 Referred to Committee on Banking, Commerce and Insurance ..... 230
Jan. 13 Notice of hearing (1/20) ..... 277
Jan. 22 Kiel name added ..... 391
Jan. 29 Placed on General File - Com AM2899 ..... 463
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1042 amended into LB 1035 by AM3791)

**LEGISLATIVE BILL 1043. By Schellpeper, Cudaback, Hartnett, Hudkins, Janssen, Robak**

Jan. 9 Read first time ..... 205
Jan. 12 Referred to Committee on General Affairs ..... 230
Feb. 11 Notice of hearing (2/23) ..... 599
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1044. By General Affairs Committee**

Jan. 9 Read first time ..... 206
Jan. 12 Referred to Committee on General Affairs ..... 230
Jan. 23 Notice of hearing (2/2) ..... 409
Feb. 3 Placed on General File - Com AM2976 ..... 520
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1045. By Dierks**

Jan. 9 Read first time ..... 206
Jan. 12 Referred to Committee on Agriculture ..... 230
Feb. 5 Notice of hearing (2/17) ..... 547
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1046. By Dierks**

Jan. 9 Read first time ..... 207
Jan. 12 Referred to Committee on Agriculture ..... 230
Jan. 13 Notice of hearing (1/20) ..... 285
Feb. 5 Placed on General File ..... 548
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1047. By Dierks**

Jan. 9 Read first time ..... 207
Jan. 12 Referred to Committee on Agriculture ..... 230
Jan. 30 Notice of hearing (2/10) ..... 493
Feb. 13 Placed on General File ..... 643
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1048. By Dierks**

Jan. 9 Read first time ..... 207
Jan. 12 Referred to Committee on Agriculture ..... 230
Feb. 5 Notice of hearing (2/17) ..... 547
Feb. 25 Placed on General File ..... 772
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1049. By Dierks**

Jan. 9 Read first time ..... 207
Jan. 12 Referred to Committee on Agriculture ..... 230
Jan. 30 Notice of hearing (2/10) ..... 493
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1050. By Dierks**

Jan. 9 Read first time ..... 207
Jan. 12 Referred to Committee on Education ..... 230
Jan. 27 Notice of hearing (2/9) ..... 431
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1051. By Will**

Jan. 9 Read first time ..... 207
Jan. 12 Referred to Committee on Judiciary ..... 231
Jan. 14 Notice of hearing (1/22) ..... 294
Jan. 27 Placed on General File - Com AM2798 ..... 428
Feb. 11 Will AM3004 to Com AM2798 printed ..... 597
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 936
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1052. By Beutler, Bohlke, Landis, C. Peterson, Preister, Wesely**

Jan. 9 Read first time ..... 207
Jan. 12 Referred to Committee on Natural Resources ..... 231
Jan. 15 Notice of hearing (1/22) ..... 333
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1053. By Willhoft, Bohlke, Bromm, Bruning, Coordsen, Cudaback, Dierks, Engel, Hartnett, Hilgert, Hillman, Hudkins, Janssen, Jones, Kiel, Landis, D. Pederson, Preister, Raikes, Robak, Schellpeper, Schimek, Schmitt, Stuhr, Suttle, Tyson, Vrtiska, Wehrbein, Wesely, Wickersham**

Jan. 9 Read first time ..... 208
Jan. 12 Willhoft priority bill ..... 228
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs ..... 231
Jan. 23 Notice of hearing (1/30) ..... 397
Feb. 18 Placed on General File ..... 675
Feb. 20 Maurstad FA515 lost. Maurstad unanimous consent to bracket until 3/15/98. Chambers objected. Maurstad motion to bracket until 3/15/98 pending ..... 713
Feb. 20 Will motion to reconsider Maurstad FA515 failed. Maurstad pending motion p. 714 to bracket until 3/15/98 withdrawn. Advanced for Review ..... 721
Feb. 23 Placed on Select File - AM7207 ..... 741
Feb. 24 Maurstad-Vrtiska-Schrock AM3258 printed ..... 751
Feb. 26 AM7207 (E & R) adopted. Maurstad et al. pending AM3258 p. 751 withdrawn.

Maurstad-Vrtiska AM3357 lost ..... 795
Mar. 6 Maurstad FA562 adopted. Maurstad FA563, FA564, and FA565 lost. Maurstad FA566 withdrawn. Advanced for Engrossment ..... 940
Mar. 9 Correctly Engrossed ..... 969
Apr. 7 Final Reading w/E 33-8-8 ..... 1778
Apr. 7 President signed. Wickersham explanation of vote ..... 1783
Apr. 7 Presented to Governor (4/7) ..... 1785
Apr. 14 Approved by Governor (4/13) ..... 1934

**LEGISLATIVE BILL 1053A. By Willhoft**

Feb. 26 Read first time. Placed on General File ..... 784
Mar. 3 Advanced for Review ..... 861
Mar. 3 Placed on Select File ..... 877
Mar. 6 Advanced for Engrossment ..... 944
Mar. 9 Correctly Engrossed ..... 969
Apr. 7 Final Reading w/E failed 32-6-11. Final Reading w/E stricken 30-7-12 ..... 1779
Apr. 7 Wickersham motion to reconsider final passage w/E prevailed ..... 1780
Apr. 7 Final Reading w/E 34-5-10 ..... 1781
Apr. 7 President signed ..... 1783
Apr. 7 Presented to Governor (4/7) ..... 1785
Apr. 14 Approved by Governor (4/13) ..... 1934

**LEGISLATIVE BILL 1054. By Wickersham**

Jan. 9 Read first time ..... 208
Jan. 12 Referred to Committee on Revenue ..... 231
Jan. 13 Notice of hearing (1/21) ..... 280
Feb. 2 Placed on General File - Com AM2929 ..... 503
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1054 amended into LB 306 by AM2968)

**LEGISLATIVE BILL 1055. By Bromm**

Jan. 9 Read first time ..... 208
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs ..... 231
Jan. 21 Notice of hearing (1/28) ..... 356
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1056. By Bromm, Coordsen, Dw. Pedersen, C. Peterson**

Jan. 9 Read first time ..... 210
Jan. 12 Referred to Committee on Transportation ..... 231
Jan. 12 Notice of hearing (1/20) ..... 232
Jan. 30 Placed on General File - Com AM2839 ..... 487
Feb. 20 Transportation Committee priority bill ..... 721
Feb. 24 Com AM2839 p. 487 adopted.
Advanced for Review ..... 748
Feb. 25 Placed on Select File - AM7209 ..... 772
Feb. 26 Crosby AM3345 printed ..... 793
Feb. 26 AM7209 (E & R) adopted. Crosby pending AM3345
p. 793 withdrawn. Advanced for Engrossment ..... 798
Feb. 27 Correctly Engrossed ..... 824
Mar. 20 Returned to Select File for Crosby AM3966
prevailed. Crosby AM3966 adopted.
Advanced for Reengrossment ..... 1214
Mar. 23 Correctly Reengrossed ..... 1240
Mar. 30 Dispensing of reading at large approved.
Final Reading w/E 46-0-3 ..... 1511
Mar. 30 Speaker signed ..... 1513
Mar. 30 Presented to Governor (3/30) ..... 1516
Apr. 6 Approved by Governor (4/3) ..... 1716
(Provisions/portions of LB 801 amended into LB 1056 by AM3966)

**LEGISLATIVE BILL 1057. By Transportation Committee**

Jan. 9 Read first time ..... 210
Jan. 12 Referred to Committee on Transportation ..... 231
Jan. 12 Notice of hearing (1/20) ..... 232
Jan. 30 Placed on General File ..... 487
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1057 amended into LB 309 by AM3629)

**LEGISLATIVE BILL 1058. By Suttle, Dierks, Hartnett, Jensen, Matzke, C. Peterson, Preister, Thompson**

Jan. 12 Read first time ..... 214
Jan. 13 Referred to Committee on Judiciary ..... 281
Jan. 28 Notice of hearing (2/5) ..... 455
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1059. By Engel, Matzke, D. Pederson, Wickersham**

Jan. 12 Read first time ..... 214
Jan. 13 Referred to Committee on Judiciary ..... 281
Jan. 14 Rereferred to Committee on Government,
Military and Veterans Affairs ..... 298
Jan. 21 Notice of hearing (1/28) ..... 356

Feb. 23 Placed on General File ..... 737
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1060. By Wickersham**

Jan. 12 Read first time ..... 214
Jan. 13 Referred to Committee on Government, Military and Veterans Affairs ..... 281
Jan. 22 Notice of hearing (1/29) ..... 379
Feb. 2 Indefinitely postponed ..... 496

**LEGISLATIVE BILL 1061. By Wickersham**

Jan. 12 Read first time ..... 214
Jan. 13 Referred to Committee on Revenue ..... 281
Jan. 14 Maurstad name added ..... 294
Jan. 21 Notice of hearing (1/29) ..... 360
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1062. By Wickersham**

Jan. 12 Read first time ..... 214
Jan. 13 Referred to Committee on Revenue ..... 281
Jan. 14 Maurstad name added ..... 294
Jan. 21 Notice of hearing (1/29) ..... 360
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1063. By Beutler, Bohlke, Bromm, Brown, Chambers, Coordsen, Crosby, Dierks, Elmer, Engel, Hartnett, Hilgert, Hillman, Janssen, Kiel, Landis, Lynch, Matzke, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Raikes, Robak, Schellpeper, Schimek, Schmitt, Schrock, Suttle, Thompson, Vrtiska, Wehrbein, Wesely, Wickersham, Willhoft, at the request of the Governor**

Jan. 12 Read first time ..... 215
Jan. 12 Beutler priority bill ..... 215
Jan. 13 Referred to Committee on Health and Human Services ..... 281
Jan. 15 Notice of hearing (1/29) ..... 334
Jan. 15 Chambers name withdrawn ..... 337
Feb. 18 Placed on General File ..... 678
Feb. 20 Wesely AM2874 printed ..... 723
Feb. 23 Wesely pending AM2874 p. 723 adopted. Witek AM3243 lost ..... 729
Feb. 23 Brown AM3257 pending. Maurstad FA516 to AM3257 adopted. Wesely AM3268 to to AM3257 pending ..... 738
Feb. 23 Bromm FA518 and Beutler FA519 to

AM3257 printed ..... 744
Feb. 24 Wesely unanimous consent to replace pending AM3268 p. 738 with substitute amendment. No objections. Wesely AM3268 p. 738 withdrawn. Wesely-Beutler-Matzke-Landis substitute AM3282 withdrawn. Bromm pending FA518 p. 744 and Beutler pending FA519 p. 744 withdrawn. Brown pending AM3257 p. 738 adopted as amended by Bromm-Brown FA522. Advanced for Review ..... 749
Feb. 25 Brown FA525 to AM7208 printed ..... 770
Feb. 25 Placed on Select File - AM7208 ..... 772
Mar. 17 Brown AM3399 to AM7208 printed. Wesely AM3482 to AM7208 printed ..... 1108
Mar. 17 Beutler AM3678 to AM7208 printed ..... 1111
Mar. 18 AM7208 (E & R) adopted. Brown pending FA525 p. 770 withdrawn. Chair sustained request for division of question on Brown pending AM3399 p. 1108. Brown FA595 (1st) to AM7208 adopted. Brown FA594 (2nd) to AM7208 lost. Wesely pending AM3482 p. 1108 adopted ..... 1113
Mar. 18 Beutler pending AM3678 p. 1111 adopted. Brown AM3815 to AM7208 adopted. Advanced for Engrossment ..... 1120
Mar. 20 Correctly Engrossed. ER9130 change ..... 1228
Mar. 23 Brown AM4001 printed ..... 1242
Mar. 25 Brown AM3889 printed ..... 1391
Apr. 8 Motion to return to Select File for Brown pending AM4001 p. 1242 withdrawn. Brown pending AM3889 p. 1391 withdrawn ..... 1873
Apr. 9 Final Reading 43-1-5 ..... 1902
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/13) ..... 1934
Apr. 20 Message from Secretary of State ..... 1985
(Provisions/portions of LB 948 amended into LB 1063 by AM3815)
(Provisions/portions of LB 1077 amended into LB 1063 by AM3482)

**LEGISLATIVE BILL 1063A. By Beutler**

Feb. 24 Read first time. Placed on General File ..... 754
Mar. 26 Beutler AM4112 printed ..... 1456
Mar. 30 Beutler pending AM4112 p. 1456 withdrawn. Wesely AM4219 adopted. Advanced for Review ..... 1500
Mar. 30 Placed on Select File ..... 1530
Apr. 2 Advanced for Engrossment ..... 1676
Apr. 6 Correctly Engrossed ..... 1711

Apr. 9 Final Reading 39-1-9 ..... 1903
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor with line-item veto (4/14) ..... 1975
Apr. 14 Communication ..... 1981

**LEGISLATIVE BILL 1064. By Dw. Pedersen**

Jan. 12 Read first time ..... 216
Jan. 13 Referred to Committee on Transportation ..... 281
Jan. 15 Notice of hearing (1/26) ..... 333
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1065. By Dw. Pedersen**

Jan. 12 Read first time ..... 216
Jan. 13 Referred to Committee on Judiciary ..... 281
Jan. 14 Notice of hearing (1/21) ..... 294
Mar. 2 Placed on General File - Com AM2948 ..... 842

Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1066. By Dw. Pedersen**

Jan. 12 Read first time ..... 216
Jan. 13 Referred to Committee on Health and Human Services ..... 281
Jan. 27 Notice of hearing (2/5) ..... 436
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1067. By Dw. Pedersen**

Jan. 12 Read first time ..... 217
Jan. 13 Referred to Committee on Judiciary ..... 281
Jan. 14 Notice of hearing (1/21) ..... 294
Jan. 26 Placed on General File ..... 415
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1068. By Robinson, Janssen, Schimek**

Jan. 12 Read first time ..... 217
Jan. 13 Referred to Committee on Government, Military and Veterans Affairs ..... 281
Jan. 15 Notice of hearing (1/23) ..... 320
Feb. 2 Placed on General File ..... 496
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1069. By Dw. Pedersen, Abboud, Brashear, Brown, Bruning, Elmer, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Kiel, Kristensen, Lynch, Matzke, D. Pederson, Preister, Robak, Schimek, Schrock, Suttle, Thompson, Vrtiska, Wehrbein, Wickersham, Will**

Jan. 12 Read first time ..... 217
Jan. 13 Referred to Committee on Judiciary ..... 281
Jan. 14 Notice of hearing (1/23) ..... 294
Jan. 27 Placed on General File ..... 428
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1069 amended into LB 404 by AM3139)

**LEGISLATIVE BILL 1070. By Wesely, Hillman, at the request of the Governor**

Jan. 12 Read first time ..... 217
Jan. 13 Referred to Committee on Health and Human Services ..... 281
Jan. 15 Notice of hearing (1/29) ..... 334
Feb. 2 Wesely priority bill ..... 505
Mar. 2 Placed on General File - Com AM3434 (printed separate) ..... 857
Mar. 3 Witek AM3448 to Com AM3434 printed ..... 887
Mar. 3 Witek AM3449 to Com AM3434 printed ..... 890
Mar. 9 Wesely AM3595 to Com AM3434 adopted. Maurstad AM3519 to Com AM3434 withdrawn. Com AM3434 p. 857 adopted as amended. Advanced for Review ..... 972
Mar. 17 Witek AM3735 to AM7221 printed ..... 1061
Mar. 17 Witek AM3826 to AM7221 printed ..... 1084
Mar. 17 Placed on Select File - AM7221 (printed separate) ..... 1101
Mar. 18 Crosby AM3853 to AM7221 printed ..... 1133
Mar. 19 Witek AM3734 to AM7221 printed ..... 1188
Mar. 20 Wesely AM3993 to AM7221 printed ..... 1233
Mar. 23 Wehrbein-Wesely AM4041 to AM7221 printed ..... 1273
Mar. 23 Wesely AM4056 to AM7221 printed ..... 1275
Mar. 23 Maurstad AM4063 printed ..... 1278
Mar. 23 Jensen and Matzke names added ..... 1280
Mar. 24 AM7221 (E & R) adopted. Witek unanimous consent to replace pending AM3448 p. 887 with substitute amendment. No objections. Witek AM3448 p. 887 withdrawn. Witek substitute pending AM3734 p. 1188 lost ..... 1302
Mar. 24 Witek unanimous consent to replace pending AM3449 p. 890 with substitute amendment. No objections. Witek AM3449 p. 890 withdrawn. Witek substitute pending

AM3426 p. 1084 lost. Maurstad unanimous consent to replace reoffered AM3519 p. 973 with substitute amendment. No objections. Maurstad AM3519 p. 973 withdrawn. Maurstad substitute AM7094 adopted as amended by Maurstad FA632. Witek pending AM3735 p. 1061 withdrawn. Crosby pending AM3853 p. 1333 adopted. Wesely unanimous consent to replace pending AM3993 p. 1233 with substitute amendment. No objections. Wesely AM3993 p. 1233 withdrawn. Wesely substitute pending AM4056 p. 1275 adopted. Wehrbein-Wesely unanimous consent to replace pending AM4041 p. 1273 with substitute amendment. No objections. Wehrbein-Wesely AM4041 p. 1273 withdrawn. Wehrbein-Wesely AM4084 to AM7221 adopted. Maurstad unanimous consent to replace pending AM4063 p. 1278 with substitute amendment. No objections. Maurstad AM4063 p. 1278 withdrawn. Maurstad substitute AM4104 to AM4094 adopted. Beutler AM3766 to AM7221 lost.
Advanced for Engrossment ..... 1308
Mar. 30 Correctly Engrossed ..... 1501
Mar. 30 ER9141 change ..... 1502
Mar. 30 Attorney General's Opinion #98021 to Wesely and Jensen ..... 1536
Apr. 1 Chambers 19 amendments and motions printed (on file) ..... 1666
Apr. 8 Maurstad name added ..... 1894
Apr. 9 Chambers pending 19 amendments and motions p. 1666 withdrawn.
Final Reading w/E 42-3-4 ..... 1904
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/13) ..... 1934
(Provisions/portions of LB 1324 amended into LB 1070 by AM4094)

**LEGISLATIVE BILL 1070A. By Wesely**

Mar. 30 Read first time.
Placed on General File ..... 1531
Apr. 1 Advanced for Review ..... 1617
Apr. 1 Placed on Select File ..... 1665
Apr. 6 Advanced for Engrossment ..... 1717
Apr. 6 Correctly Engrossed ..... 1735
Apr. 9 Final Reading w/E 41-3-5 ..... 1905
Apr. 9 President signed ..... 1920

Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 1071. By Hilgert, Brown, Lynch, Dw. Pedersen, Suttle**

Jan. 12 Read first time ..... 217
Jan. 13 Referred to Committee on Judiciary ..... 281
Jan. 28 Notice of hearing (2/12) ..... 455
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1072. By Wesely, Matzke**

Jan. 12 Read first time ..... 218
Jan. 13 Referred to Committee on Health and Human Services ..... 281
Jan. 27 Notice of hearing (2/4) ..... 435
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1073. By Health and Human Services Committee**

Jan. 12 Read first time ..... 218
Jan. 13 Referred to Committee on Health and Human Services ..... 281
Jan. 15 Notice of hearing (1/28) ..... 334
Jan. 30 Health and Human Services Committee priority bill ..... 490
Feb. 4 Placed on General File - Com AM2955 (printed separate) ..... 530
Feb. 11 Witek AM3086 to Com AM2955 printed ..... 597
Mar. 2 C. Peterson-Wesely AM3403 printed separate ..... 833
Mar. 4 Schimek AM3469 printed ..... 898
Mar. 5 Suttle-Thompson AM3144 to Com AM2955 printed ..... 914
Mar. 9 Suttle-Thompson pending AM3144 p. 914 to Com AM2955 withdrawn. Com AM2955 p. 530 adopted. C. Peterson-Wesely pending AM3403 p. 833, Schimek pending AM3469 p. 898, and Wesely AM3607 adopted. Landis AM3593 (on file) and Wesely AM3612 (on file) adopted. Advanced for Review ..... 964
Mar. 17 Witek AM3619 to AM7219 printed ..... 1061
Mar. 17 Placed on Select File - AM7219 (printed separate) ..... 1080
Mar. 18 Maurstad AM3720 to AM7219 printed ..... 1135
Mar. 18 Will AM3785 to AM7219 printed ..... 1138
Mar. 18 Wesely AM3617 to AM7219 printed ..... 1144
Mar. 19 Thompson AM3704 to AM7219 printed ..... 1166
Mar. 19 Maurstad AM3934 to AM3785 printed ..... 1173
Mar. 19 Landis AM3834 to AM7219 printed ..... 1182

Mar. 19 Brown AM3605 to Com AM2955 printed ..... 1187
Mar. 19 Landis AM3939 to AM7219 printed ..... 1195
Mar. 23 Hillman AM3975 to AM7219 printed ..... 1257
Mar. 24 Will AM4062 to AM7219 printed ..... 1333
Mar. 24 Landis AM4078 and Jensen AM3868 AM7219 printed ..... 1339
Mar. 25 AM7219 (E & R) adopted. Witek pending AM3086 p. 597 withdrawn. Suttle-Thompson reoffered AM3144 p. 914 pending ..... 1372
Mar. 25 Suttle-Thompson pending AM3144 p. 914 and Witek pending AM3619 p. 1061 withdrawn. Maurstad pending AM3720 p. 1135 adopted. Will unanimous consent to replace pending AM3785 p. 1138 with substitute amendment. No objections. Will AM3785 p. 1138 withdrawn. Will-Wesely substitute AM4128 to AM7219 adopted. Wesely pending AM3617 p. 1144 withdrawn. Thompson pending AM3704 p. 1166 adopted. Maurstad pending AM3934 p. 1173 withdrawn. Landis pending AM3834 p. 1182 adopted. Brown pending AM3605 p. 1187 adopted. Landis unanimous consent to replace pending AM3939 p. 1195 with substitute amendment. No objections. Landis AM3939 p. 1195 withdrawn. Landis substitute pending AM4078 p. 1339 adopted ..... 1413
Mar. 25 Hillman pending AM3975 p. 1257 adopted. Will pending AM4062 p. 1333 and Jensen pending AM3868 p. 1339 withdrawn. Elmer AM4153 to AM7219 adopted. Thompson AM4141 to AM7219 adopted. Suttle AM3693 (on file) adopted. Dierks AM4157 to AM7219 ruled germane. Dierks AM4157 to AM7219 lost. Chambers motion to reconsider vote on Dierks AM4157 to AM7219 withdrawn ..... 1433
Mar. 25 Chambers motion to bracket until 4/12/98 pending. Passed over ..... 1447
Mar. 26 Dierks FA652 printed ..... 1481
Mar. 26 Preister motion to reconsider Dierks AM4157 printed ..... 1483
Mar. 30 Preister pending motion p. 1483 to reconsider Dierks AM4157 withdrawn. Chambers pending motion p. 1447 to bracket until 4/12/98 withdrawn. Dierks pending FA652 p. 1481 withdrawn. Brashear-Beutler-Dierks-Wesely AM4227 to AM7219 pending. Wesely FA661 to AM4227 adopted. Chair sustained request for division of question on Preister FA663 to AM4227. Preister FA665 (1st) to AM4227

and FA664 (2nd) to AM4227 withdrawn.
Chambers FA666 to AM4227 pending ..... 1513
Mar. 30 Chambers pending FA666 p. 1516 to AM4227 lost.
Brashear unanimous consent to withdraw
Brashear et al. pending AM4227 p. 1513.
No objections. Wesely FA669 adopted.
Advanced for Engrossment ..... 1541
Apr. 6 Correctly Engrossed. ER9152 change ..... 1711
Apr. 8 Dispensing of reading at large approved ..... 1883
Apr. 8 Final Reading w/E 41-2-6 ..... 1884
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977
(Provisions/portions of LB 92 amended into LB 1073 by AM3469)
(Provisions/portions of LB 373 amended into LB 1073 by AM3693)
(Provisions/portions of LB 392 amended into LB 1073 by AM3975)
(Provisions/portions of LB 1016 amended into LB 1073 by AM3607)
(Provisions/portions of LB 1038 amended into LB 1073 by AM3593)
(Provisions/portions of LB 1040 amended into LB 1073 by AM2955)
(Provisions/portions of LB 1095 amended into LB 1073 by AM4128)
(Provisions/portions of LB 1140 amended into LB 1073 by AM3403)
(Provisions/portions of LB 1337 amended into LB 1073 by AM4141)
(Provisions/portions of LB 1339 amended into LB 1073 by AM3704)
(Provisions/portions of LB 1339 amended into LB 1073 by AM3612)

**LEGISLATIVE BILL 1073A. By Wesely**

Mar. 17 Read first time.
Placed on General File ..... 1098
Mar. 20 Advanced for Review ..... 1210
Mar. 23 Placed on Select File - AM7233 ..... 1240
Mar. 26 Wesely AM4174 printed ..... 1482
Mar. 30 AM7233 (E & R) adopted. Wesely
pending AM4174 p. 1482 adopted.
Advanced for Engrossment ..... 1543
Apr. 6 Correctly Engrossed ..... 1711
Apr. 6 ER9149 change ..... 1713
Apr. 8 Final Reading w/E 41-0-8 ..... 1885
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 1074. By Wesely**

Jan. 12 Read first time ..... 218
Jan. 13 Referred to Committee on Appropriations ..... 281
Jan. 26 Notice of hearing (2/2) ..... 423
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1075. By Tyson, Bromm, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hartnett, Hudkins, Janssen, Jensen, Jones, Kristensen, Maurstad, C. Peterson, Robinson, Schrock, Stuhr, Vrtiska, Wehrbein**

Jan. 12 Read first time ..... 218
Jan. 13 Tyson priority bill ..... 273
Jan. 13 Referred to Committee on Business and Labor ..... 281
Jan. 23 Notice of hearing (2/2) ..... 409
Jan. 28 Hartnett name withdrawn ..... 460
Feb. 24 Tyson motion to place on General File printed ..... 754
Feb. 25 Indefinitely postponed ..... 770
Feb. 26 Lynch AM3208 and AM3212 printed ..... 786
Mar. 3 Preister AM3213 and AM3214 printed ..... 892

**LEGISLATIVE BILL 1076. By Wickersham**

Jan. 12 Read first time ..... 219
Jan. 13 Referred to Committee on Nebraska Retirement Systems ..... 281
Jan. 27 Notice of hearing (2/3) ..... 436
Feb. 18 Placed on General File - Com AM3108 ..... 684
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1076 amended into LB 1191 by AM3832)

**LEGISLATIVE BILL 1076A. By Wickersham**

Mar. 2 Read first time. Placed on General File ..... 833
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1077. By Wesely**

Jan. 12 Read first time ..... 219
Jan. 13 Referred to Committee on Banking, Commerce and Insurance ..... 281
Jan. 15 Notice of hearing (1/26) ..... 333
Jan. 29 Placed on General File - Com AM2890 ..... 464
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1077 amended into LB 1063 by AM3482)

**LEGISLATIVE BILL 1078. By Wesely**

Jan. 12 Read first time ..... 219
Jan. 13 Referred to Committee on Health and Human Services ..... 281
Jan. 27 Notice of hearing (2/11) ..... 436
Feb. 18 Placed on General File - Com AM3167 ..... 684
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1079. By Wesely, Matzke**

Jan. 12 Read first time ..... 219
Jan. 13 Referred to Committee on Health and Human Services ..... 281
Jan. 15 Notice of hearing (1/22) ..... 334
Feb. 10 Placed on General File - Com AM3049 ..... 569
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1079 amended into LB 1041 by AM3050)

**LEGISLATIVE BILL 1080. By Building Maintenance Committee**

Jan. 12 Read first time ..... 219
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs ..... 298
Jan. 22 Notice of hearing (1/29) ..... 379
Feb. 2 Placed on General File ..... 496
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1080 amended into LB 1129 by AM3906)

**LEGISLATIVE BILL 1081. By Building Maintenance Committee**

Jan. 12 Read first time ..... 220
Jan. 14 Referred to Committee on Appropriations ..... 298
Jan. 30 Notice of hearing (2/11) ..... 489
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1081 amended into LB 1100 by AM3492)

**LEGISLATIVE BILL 1082. By C. Peterson, Kristensen**

Jan. 12 Read first time ..... 220
Jan. 13 Referred to Committee on Education ..... 281
Jan. 22 Kiel name added ..... 391
Jan. 27 Notice of hearing (2/3) ..... 430
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1083. By Wesely**

Jan. 12 Read first time ..... 220
Jan. 13 Referred to Committee on Judiciary ..... 281
Jan. 14 Notice of hearing (1/21) ..... 294
Jan. 26 Indefinitely postponed ..... 415

**LEGISLATIVE BILL 1084. By Wehrbein**

Jan. 12 Read first time ..... 220
Jan. 13 Referred to Committee on Natural Resources ..... 281
Jan. 14 Notice of hearing (1/21) ..... 304

Feb. 9 Placed on General File ..... 561
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1085. By Landis**

Jan. 12 Read first time ..... 220
Jan. 13 Referred to Committee on Banking, Commerce and Insurance ..... 281
Feb. 9 Notice of hearing (2/24) ..... 563
Feb. 26 Placed on General File ..... 785
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1086. By Schellpeper**

Jan. 12 Read first time ..... 221
Jan. 13 Referred to Committee on General Affairs ..... 281
Feb. 11 Notice of hearing (2/23) ..... 600
Feb. 18 General Affairs Committee priority bill ..... 666
Feb. 27 Placed on General File - Com AM3394 ..... 815
Mar. 2 Will motion to return to General Affairs Committee printed. Will motion to bracket until 4/16/98 printed ..... 855
Mar. 11 Will pending motion p. 855 to return to General Affairs Committee withdrawn. Will pending motion p. 855 to bracket until 4/16/98 withdrawn. Chair sustained request for division of question on Com AM3394 p. 815. Com FA578 (1st) adopted as amended by Chambers FA582 ..... 1022
Mar. 11 Schellpeper-Will AM3711 to AM3394 printed. Chambers FA583 to FA579 printed ..... 1024
Mar. 30 Schellpeper AM4229 to Com AM3394 printed ..... 1532
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1087. By Jensen, Brown, Dw. Pedersen**

Jan. 12 Read first time ..... 221
Jan. 13 Referred to Committee on Banking, Commerce and Insurance ..... 281
Jan. 15 Notice of hearing (1/26) ..... 333
Feb. 3 Placed on General File - Com AM2966 ..... 518
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1088. By Jensen, Brown, Dw. Pedersen**

Jan. 12 Read first time ..... 221
Jan. 13 Referred to Committee on Banking, Commerce and Insurance ..... 281
Jan. 20 Notice of hearing (1/27) ..... 349

Jan. 29 Placed on General File - Com AM2901 ..... 464
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 937
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1088 amended into LB 504 by AM3856)

**LEGISLATIVE BILL 1089. By Wickersham, Bohlke, Hartnett, Jones, Robinson**

Jan. 12 Read first time ..... 221
Jan. 13 Referred to Committee on Revenue ..... 281
Jan. 28 Notice of hearing (2/5) ..... 451
Feb. 23 Speaker priority bill ..... 744
Mar. 2 Placed on General File - Com AM3374 ..... 848
Mar. 19 Hilgert AM3937, AM3908, AM3910, and AM3911 printed ..... 1179
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1090. By Wesely**

Jan. 12 Read first time ..... 228
Jan. 13 Referred to Committee on Health and Human Services ..... 281
Jan. 27 Notice of hearing (2/4) ..... 435
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1091. By Wesely, Suttle**

Jan. 12 Read first time ..... 228
Jan. 13 Referred to Committee on Health and Human Services ..... 281
Feb. 4 Notice of hearing (2/13) ..... 529
Feb. 19 Placed on General File - Com AM3166 ..... 703
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1092. By Vrtiska, C. Peterson**

Jan. 12 Read first time ..... 228
Jan. 13 Referred to Committee on Revenue ..... 281
Feb. 2 Notice of hearing (2/19) ..... 506
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1093. By Schimek, Janssen, Suttle, Thompson**

Jan. 12 Read first time ..... 228
Jan. 13 Referred to Committee on Government,

Military and Veterans Affairs ..... 281
Jan. 15 Notice of hearing (1/23) ..... 320
Feb. 18 Placed on General File ..... 675
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1094. By Brown, Crosby, Hilgert, Jensen, Dw. Pedersen**

Jan. 12 Read first time ..... 228
Jan. 13 Referred to Committee on Banking, Commerce and Insurance ..... 281
Jan. 15 Notice of hearing (1/26) ..... 333
Jan. 29 Placed on General File - Com AM2902 ..... 464
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 937
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1095. By Will, Chambers, Hillman, Raikes, Stuhr**

Jan. 12 Read first time ..... 233
Jan. 14 Referred to Committee on Health and Human Services ..... 298
Jan. 15 Chambers name withdrawn ..... 337
Jan. 27 Notice of hearing (2/11) ..... 436
Feb. 23 Speaker priority bill ..... 744
Mar. 18 Placed on General File - Com AM3879 ..... 1130
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1095 amended into LB 1073 by AM4128)

**LEGISLATIVE BILL 1096. By Abboud, Bromm, Jensen, Witek**

Jan. 12 Read first time ..... 233
Jan. 14 Referred to Committee on Health and Human Services ..... 298
Jan. 15 Notice of hearing (2/5) ..... 334
Jan. 21 Abboud unanimous consent to rerefer to Judiciary Committee printed. Abboud motion to rerefer to Judiciary Committee printed ..... 359
Jan. 26 Dw. Pedersen name added ..... 425
Feb. 26 Placed on General File - Com AM3332 ..... 785
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1097. By Robak, Janssen**

Jan. 12 Read first time ..... 233
Jan. 14 Referred to Committee on General Affairs ..... 298

Jan. 30 Notice of hearing (2/9) ..... 489
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1098. By Schellpeper**

Jan. 12 Read first time ..... 233
Jan. 14 Referred to Committee on General Affairs ..... 298
Jan. 30 Notice of hearing (2/9) ..... 489
Feb. 10 Placed on General File ..... 584
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1099. By Lynch**

Jan. 12 Read first time ..... 239
Jan. 14 Referred to Committee on Revenue ..... 298
Jan. 15 Kiel, Thompson, Brown, Hartnett, Brashear, Janssen, Robinson, and Bruning names added ..... 337
Jan. 20 Will name added ..... 349
Jan. 28 Notice of hearing (2/4) ..... 451
Feb. 19 Brashear priority bill ..... 705
Mar. 11 Indefinitely postponed ..... 1016
Mar. 18 Brashear-Lynch motion to place on General File printed ..... 1115
Mar. 18 Chambers FA596, FA597, FA598, FA599, and FA600 printed ..... 1116
Mar. 19 Will name withdrawn ..... 1207
Mar. 24 Brashear-Lynch pending motion p. 1115 to place on General File failed ..... 1289

**LEGISLATIVE BILL 1100. By Lynch, Brown, Crosby, Engel, Hillman, Janssen, Kiel, Maurstad, D. Pederson, Raikes, Suttle, Vrtiska, Wehrbein, Wesely**

Jan. 12 Read first time ..... 239
Jan. 13 Lynch priority bill ..... 279
Jan. 14 Referred to Committee on Appropriations ..... 298
Jan. 26 Notice of hearing (2/3) ..... 423
Jan. 30 Bruning name added ..... 493
Mar. 3 Placed on General File - Com AM3291 (printed separate) ..... 882
Mar. 5 Com AM3291 p. 882 lost. Wehrbein AM3492 (on file) adopted. Advanced for Review ..... 933
Mar. 6 Raikes explanation of vote ..... 939
Mar. 9 Placed on Select File - AM7216 ..... 970
Mar. 17 Hillman AM3789 to AM3492 printed ..... 1060
Mar. 19 AM7216 (E & R) adopted. Hillman pending AM3789 p. 1060 withdrawn. Advanced for Engrossment ..... 1191
Mar. 23 ER9135 change ..... 1240

Mar. 23 Correctly Engrossed ..... 1241
Mar. 25 Dispensing of reading at large approved ..... 1349
Mar. 25 Final Reading w/E 43-0-6 ..... 1350
Mar. 25 President signed ..... 1354
Mar. 25 Presented to Governor (3/25) ..... 1364
Mar. 25 Lynch explanation of vote ..... 1365
Mar. 31 Approved by Governor (3/31) ..... 1571
(Provisions/portions of LB 1081 amended into LB 1100 by AM3492)

**LEGISLATIVE BILL 1101. By Wesely, Landis**

Jan. 12 Read first time ..... 239
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs ..... 298
Feb. 5 Notice of hearing (2/13) ..... 542
Feb. 23 Placed on General File ..... 737
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1101 amended into LB 1129 by AM3504)

**LEGISLATIVE BILL 1102. By Brashear, Bohlke, Brown, Crosby, Hilgert, Hillman, Hudkins, Jones, Kiel, Dw. Pedersen, C. Peterson, Robak, Stuhr, Suttle, Thompson**

Jan. 12 Read first time ..... 239
Jan. 14 Referred to Committee on Judiciary ..... 298
Jan. 28 Notice of hearing (2/11) ..... 455
Feb. 20 Placed on General File - Com AM3191 (printed separate) ..... 712
Feb. 23 Speaker priority bill ..... 744
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1102 amended into LB 218 by AM4189)

**LEGISLATIVE BILL 1102A. By Brashear**

Mar. 2 Read first time. Placed on General File ..... 853
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1103. By Maurstad**

Jan. 12 Read first time ..... 240
Jan. 14 Referred to Committee on Education ..... 298
Jan. 15 Notice of hearing (1/26) ..... 324
Jan. 28 Placed on General File ..... 459
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 937
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1103 amended into LB 1175)

**LEGISLATIVE BILL 1104. By Raikes, Engel, Hudkins, Maurstad, D. Pederson, Robinson, Schrock**

| | | | |
|---|---|---|---|
| Jan. | 12 | Read first time | 260 |
| Jan. | 14 | Referred to Committee on Revenue | 298 |
| Jan. | 15 | Notice of hearing (1/23) | 333 |
| Feb. | 2 | Placed on General File - Com AM2931 | 505 |
| Feb. | 23 | Speaker priority bill | 744 |
| Mar. | 19 | Wickersham-Coordsen AM3950 printed separate | 1197 |
| Mar. | 31 | Com AM2931 p. 505 lost. Wickersham-Coordsen pending AM3950 p. 1197 adopted. Advanced for Review | 1582 |
| Apr. | 1 | Placed on Select File - AM7249 | 1664 |
| Apr. | 2 | Maurstad-Chambers AM4378 printed | 1703 |
| Apr. | 6 | Wickersham-Wehrbein AM4398 to AM4378 printed | 1742 |
| Apr. | 6 | Wickersham-Wehrbein AM4400 to AM4378 printed | 1744 |
| Apr. | 6 | Wickersham-Wehrbein-Raikes AM4447 to AM4378 printed | 1744 |
| Apr. | 6 | Wickersham AM4419 to AM3950 printed | 1747 |
| Apr. | 6 | Bohlke AM4446 printed | 1748 |
| Apr. | 6 | Hilgert name added | 1775 |
| Apr. | 7 | AM7249 (E & R) adopted. Maurstad unanimous consent to replace pending AM4378 p. 1703 with substitute amendment. No objections. Maurstad-Chambers AM4378 p. 1703 withdrawn. Maurstad-Chambers substitute AM4484 pending | 1816 |
| Apr. | 7 | Maurstad-Chambers pending AM4484 p. 1816 adopted as amended by Maurstad FA744. Wickersham-Wehrbein pending AM4398 and AM4400 p. 1742 and p. 1744 withdrawn. Wickersham et al. AM4447 p. 1744 withdrawn. Wickersham pending AM4419 p. 1747 withdrawn. Bohlke pending AM4446 p. 1748 withdrawn. Wickersham-Coordsen AM4402 adopted. Advanced for Engrossment | 1820 |
| Apr. | 8 | Correctly Engrossed. ER9160 change | 1851 |
| Apr. | 8 | Brown name added | 1894 |
| Apr. | 9 | Abboud name added | 1931 |
| Apr. | 14 | Wesely motion to bracket until 4:00 p.m. 4/14/98 withdrawn. Dispensing of reading at large approved. Final Reading w/E 44-2-3 | 1967 |
| Apr. | 14 | President signed | 1970 |
| Apr. | 14 | Dw. Pedersen, Janssen, Jensen, and Witek names added | 1973 |
| Apr. | 14 | Schrock name withdrawn | 1974 |
| Apr. | 14 | Presented to Governor (4/14) | 1974 |
| Apr. | 20 | Approved by Governor (4/14) | 1985 |

(Provisions/portions of LB 916 amended into LB 1104 by AM4484)
(Provisions/portions of LB 961 amended into LB 1104 by AM3950)
(Provisions/portions of LB 982 amended into LB 1104 by AM3950)
(Provisions/portions of LB 993 amended into LB 1104 by AM3950)
(Provisions/portions of LB 1104 amended into LB 611 by AM3197)
(Provisions/portions of LB 1153 amended into LB 1104 by AM3950)

**LEGISLATIVE BILL 1104A. By Raikes**

| | | | |
|---|---|---|---|
| Mar. | 25 | Read first time. | |
| | | Placed on General File | 1355 |
| Apr. | 1 | Advanced for Review | 1618 |
| Apr. | 1 | Placed on Select File | 1665 |
| Apr. | 7 | Advanced for Engrossment | 1823 |
| Apr. | 8 | Correctly Engrossed | 1851 |
| Apr. | 14 | Final Reading w/E 42-0-7 | 1968 |
| Apr. | 14 | President signed | 1970 |
| Apr. | 14 | Presented to Governor (4/14) | 1974 |
| Apr. | 20 | Approved by Governor (4/14) | 1985 |

**LEGISLATIVE BILL 1105. By Speaker Kristensen, at the request of the Governor**

| | | | |
|---|---|---|---|
| Jan. | 12 | Read first time | 260 |
| Jan. | 14 | Referred to Committee on Appropriations | 298 |
| Jan. | 21 | Notice of hearing (1/28) | 357 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1106. By Speaker Kristensen, at the request of the Governor**

| | | | |
|---|---|---|---|
| Jan. | 12 | Read first time | 260 |
| Jan. | 14 | Referred to Committee on Appropriations | 298 |
| Jan. | 21 | Notice of hearing (1/28) | 357 |
| Feb. | 18 | Lynch AM2927 printed | 677 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1107. By Speaker Kristensen, at the request of the Governor**

| | | | |
|---|---|---|---|
| Jan. | 12 | Read first time | 260 |
| Jan. | 14 | Referred to Committee on Appropriations | 298 |
| Jan. | 26 | Notice of hearing (2/4) | 423 |
| Mar. | 10 | Placed on General File | 1004 |
| Mar. | 11 | Advanced for Review | 1018 |
| Mar. | 17 | Placed on Select File | 1050 |
| Mar. | 19 | Advanced for Engrossment | 1191 |
| Mar. | 20 | Correctly Engrossed | 1220 |
| Mar. | 25 | Final Reading w/E 42-1-6 | 1353 |

Mar. 25 President signed ..... 1354
Mar. 25 Presented to Governor (3/25) ..... 1364
Mar. 31 Approved by Governor (3/31) ..... 1571

**LEGISLATIVE BILL 1108. By Speaker Kristensen, at the request of the Governor**

Jan. 12 Read first time ..... 261
Jan. 14 Referred to Committee on Appropriations ..... 298
Jan. 21 Notice of hearing (1/28) ..... 357
Mar. 9 Placed on General File - Com AM3432 (printed separate) ..... 959
Mar. 10 Wehrbein AM3568 printed ..... 988
Mar. 10 Hartnett AM3638 to Com AM3432 printed. Wesely AM3673 printed ..... 1001
Mar. 11 Dierks unanimous consent to replace Dierks-Hilgert-Tyson-Jones AM3642 to Com AM3432 with substitute amendment. No objections. Dierks et al. AM3642 withdrawn. Com AM3432 p. 959 adopted as amended by Jensen substitute FA575. Wehrbein pending AM3568 p. 988 withdrawn. Wesely pending AM3673 p. 1001 pending. Hillman AM3688 to AM3673 pending ... 1007
Mar. 11 Hillman pending AM3688 p. 1008 and Wesely pending AM3673 p. 1001 withdrawn. Wesely-Chambers-Hillman AM3710 adopted. Chambers AM3709 adopted. Advanced for Review ..... 1011
Mar. 12 Correction ..... 1027
Mar. 17 Placed on Select File - AM7227 ..... 1047
Mar. 18 Wesely AM3760 printed ..... 1126
Mar. 18 Wesely AM3759 printed ..... 1127
Mar. 18 Hillman AM3878 printed ..... 1143
Mar. 18 Wesely-Beutler AM3916 printed ..... 1155
Mar. 18 Tyson-Schimek AM3887 printed ..... 1156
Mar. 18 Abboud-Jensen AM3920 printed ..... 1160
Mar. 19 AM7227 (E & R) adopted. Hartnett pending AM3638 p. 1001 adopted. Wehrbein reoffered AM3568 p. 988 withdrawn. Wesely pending AM3759 p. 1127 adopted ..... 1164
Mar. 19 Hillman pending AM3878 p. 1143 adopted. Wesely-Beutler pending AM3916 p. 1155 withdrawn. Abboud-Jensen unanimous consent to replace pending AM3920 p. 1160 with substitute amendment. No objections. Abboud-Jensen AM3920 p. 1160 withdrawn. Abboud-Jensen substitute AM3929 withdrawn ..... 1172
Mar. 19 Schimek FA605 to Com AM3432 and Wesely pending AM3760 p. 1126 withdrawn.

Suttle AM3930 adopted ..... 1174
Mar. 19 Tyson-Schimek pending AM3887 p. 1156 withdrawn. Dw. Pedersen AM3538 lost. Chambers motion to bracket prevailed as amended by Will FA607 ..... 1185
Mar. 19 Beutler-Wesely AM3932 printed. Wehrbein AM3943 to AM3759 printed ..... 1188
Mar. 20 Beutler-Wesely pending AM3932 p. 1188 lost as amended by Maurstad FA610. Wehrbein pending AM3943 p. 1188 withdrawn. Wehrbein AM3961 adopted ..... 1215
Mar. 20 Thompson FA611 to Com AM3432 lost. Advanced for Engrossment ..... 1217
Mar. 23 Correctly Engrossed. ER9136 change ..... 1257
Mar. 25 Chambers motion to return to Select File for FA646 withdrawn. Dispensing of reading at large approved. Final Reading w/E 38-3-8 ..... 1348
Mar. 25 President signed ..... 1354
Mar. 25 Presented to Governor (3/25) ..... 1364
Mar. 31 Approved by Governor with line-item veto (3/31) ..... 1571
Apr. 1 Appropriations Committee Report ..... 1647
Apr. 6 Kristensen motion to suspend rules to allow for consideration of veto override printed ..... 1736
Apr. 7 Kristensen pending motion p. 1736 to suspend rules to allow for consideration of veto override prevailed ..... 1783
Apr. 7 Appropriations Committee motion to override line-item vetoes printed. Wehrbein motion to override line-item veto printed ..... 1825
Apr. 9 Correction ..... 1897
Apr. 9 Appropriations Committee pending motion p. 1825 to override line-item vetoes (sections 36 and 57) passed 41-1-7 ..... 1920
Apr. 9 Wehrbein pending motion p. 1825 to override line-item veto (section 58) passed 35-8-6 ..... 1921
Apr. 9 Communication. Certificate ..... 1928
Apr. 14 Message from Secretary of State ..... 1972
Apr. 14 Certificate ..... 1973
(Provisions/portions of LB 915 amended into LB 1108 by AM3432)
(Provisions/portions of LB 925 amended into LB 1108 by AM3432)
(Provisions/portions of LB 1005 amended into LB 1108 by AM3432)
(Provisions/portions of LB 1183 amended into LB 1108 by AM3432)
(Provisions/portions of LB 1206 amended into LB 1108 by AM3432)

**LEGISLATIVE BILL 1109. By Raikes, Brashear, Wickersham**

Jan. 13 Read first time ..... 267
Jan. 14 Maurstad name added ..... 294

Jan. 14 Referred to Committee on Revenue ..... 298
Jan. 21 Notice of hearing (1/29) ..... 360
Jan. 30 Jensen name added ..... 494
Feb. 5 Raikes priority bill ..... 557
Mar. 12 Placed on General File - Com AM3721 ..... 1038
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1110. By Hartnett, Bohlke, Wehrbein**

Jan. 13 Read first time ..... 267
Jan. 14 Referred to Committee on Appropriations ..... 298
Jan. 30 Notice of hearing (2/10) ..... 489
Mar. 6 Placed on General File - Com AM3570 ..... 950
Mar. 11 Com AM3570 p. 950 adopted. Hillman-Wehrbein AM3636 withdrawn. Bromm FA576 to AM3636 withdrawn. Advanced for Review ..... 1012
Mar. 17 Placed on Select File - AM7222 ..... 1049
Mar. 19 AM7222 (E & R) adopted. Advanced for Engrossment ..... 1191
Mar. 20 Correctly Engrossed ..... 1220
Mar. 25 Final Reading w/E 40-2-7 ..... 1350
Mar. 25 President signed ..... 1354
Mar. 25 Presented to Governor (3/25) ..... 1364
Mar. 31 Returned by Governor without approval (3/31) ..... 1574
Apr. 1 Hartnett motion to override veto printed ..... 1625
Apr. 1 Appropriations Committee Report ..... 1647
Apr. 1 Appropriations Committee motion to override veto printed ..... 1648
Apr. 6 Kristensen motion to suspend rules to allow for consideration of veto override printed ..... 1736
Apr. 7 Kristensen pending motion p. 1736 to suspend rules to allow for consideration of veto override prevailed ..... 1783
Apr. 9 Appropriations Committee pending motion p. 1648 to override veto passed 33-7-9 ..... 1922
Apr. 9 Communication ..... 1928
Apr. 9 Certificate ..... 1929
(Provisions/portions of LB 1110 amended into LB 1175 by AM4296)

**LEGISLATIVE BILL 1110A. By Hartnett**

Mar. 9 Read first time. Placed on General File ..... 964
Mar. 11 Wehrbein AM3657 adopted. Advanced for Review ..... 1013
Mar. 17 Placed on Select File - AM7226 ..... 1050
Mar. 19 AM7226 (E & R) adopted. Advanced for Engrossment ..... 1191
Mar. 20 Correctly Engrossed ..... 1220

Mar. 25 Final Reading w/E 40-3-6 ..... 1351
Mar. 25 President signed ..... 1354
Mar. 25 Presented to Governor (3/25) ..... 1364
Mar. 31 Approved by Governor (3/31) ..... 1571
(Provisions/portions of LB 1110A amended into LB 1175 by AM4296)

**LEGISLATIVE BILL 1111. By Landis**

Jan. 13 Read first time ..... 267
Jan. 14 Referred to Committee on Banking, Commerce and Insurance ..... 298
Jan. 20 Notice of hearing (1/27) ..... 349
Jan. 29 Placed on General File ..... 463
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 937
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1112. By Robak, Brown, Chambers, Crosby, Dierks, Hilgert, Hillman, Janssen, Kiel, Dw. Pedersen, Preister, Schimek, Schmitt, Suttle, Thompson, Willhoft**

Jan. 13 Read first time ..... 267
Jan. 14 Referred to Committee on Banking, Commerce and Insurance ..... 298
Jan. 15 Chambers name withdrawn ..... 337
Feb. 2 Robak priority bill ..... 505
Feb. 9 Notice of hearing (2/17) ..... 563
Feb. 9 Dw. Pedersen AM2983 printed ..... 563
Feb. 19 Robak motion to place on General File printed ..... 705
Feb. 20 Indefinitely postponed ..... 712
Feb. 27 Robak pending motion p. 705 to place on General File pending ..... 819

**LEGISLATIVE BILL 1113. By Schellpeper**

Jan. 13 Read first time ..... 267
Jan. 14 Referred to Committee on General Affairs ..... 298
Feb. 11 Notice of hearing (2/23) ..... 600
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1114. By Brown, Brashear, Bruning, Hartnett, Hillman, Jensen, Dw. Pedersen, Thompson, Wehrbein, Will**

Jan. 13 Read first time ..... 267
Jan. 14 Referred to Committee on Revenue ..... 298
Jan. 14 Hillman name withdrawn ..... 316
Jan. 20 Dw. Pedersen name withdrawn ..... 349

Jan. 21 Bruning name withdrawn ..... 368
Jan. 26 Wehrbein name withdrawn ..... 426
Feb. 2 Notice of hearing (2/19) ..... 506
Mar. 3 Indefinitely postponed ..... 881
Mar. 30 Jensen name withdrawn ..... 1523

**LEGISLATIVE BILL 1115. By Brown**

Jan. 13 Read first time ..... 268
Jan. 14 Referred to Committee on Judiciary ..... 298
Jan. 28 Notice of hearing (2/12) ..... 455
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1116. By Suttle, Brown, Bruning, Engel, Hilgert, Jensen, Maurstad, Robinson, Tyson, Witek, at the request of the Governor**

Jan. 13 Read first time ..... 268
Jan. 14 Referred to Committee on Revenue ..... 298
Jan. 21 Notice of hearing (1/28) ..... 360
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1117. By Wickersham, Engel, Hillman, Hudkins, Janssen, Jones, Robak, Schellpeper**

Jan. 13 Read first time ..... 270
Jan. 14 Referred to Committee on Judiciary ..... 298
Jan. 21 Notice of hearing (1/29) ..... 360
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1118. By Wehrbein**

Jan. 13 Read first time ..... 271
Jan. 14 Referred to Committee on Appropriations ..... 298
Jan. 26 Notice of hearing (2/4) ..... 423
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1119. By Wickersham, Hartnett, Robinson**

Jan. 13 Read first time ..... 271
Jan. 14 Referred to Committee on Revenue ..... 298
Jan. 28 Notice of hearing (2/5) ..... 451
Feb. 20 Placed on General File - Com AM3205 ..... 714
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1119 amended into LB 1120 by AM3364)

**LEGISLATIVE BILL 1120. By Wickersham, Hartnett, Robinson**

Jan. 13 Read first time ..... 271
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs ..... 298
Feb. 4 Notice of hearing (2/11) ..... 529
Feb. 5 Wickersham priority bill ..... 557
Mar. 3 Placed on General File - Com AM3364 (printed separate) ..... 867
Mar. 9 Com AM3364 p. 867 adopted. Advanced for Review ..... 976
Mar. 17 Placed on Select File - AM7224 ..... 1101
Mar. 20 Abboud AM3977 to Com AM3364 printed ..... 1222
Mar. 23 Wickersham AM3991 to Com AM3364 printed ..... 1276
Mar. 24 AM7224 (E & R) adopted. Abboud pending AM3977 p. 1222 withdrawn. Wickersham pending AM3991 p. 1276 adopted. Tyson AM4081 to Com AM3364 adopted. Abboud AM4093 to Com AM3364 ruled not germane. Wickersham AM4103 to Com AM3364 adopted. Advanced for Engrossment ..... 1319
Mar. 30 Correctly Engrossed ..... 1501
Mar. 30 ER9142 change ..... 1502
Apr. 1 Chambers FA715 printed ..... 1670
Apr. 2 Chambers pending FA715 p. 1670 withdrawn ..... 1677
Apr. 2 Dispensing of reading at large approved. Wesely motion to return to Select File for FA729 withdrawn. Final Reading w/E 44-0-5 ..... 1678
Apr. 2 Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 8 Returned by Governor without approval (4/8) ..... 1876
Apr. 9 Wickersham motion to override veto passed 32-9-8 ..... 1925
Apr. 9 Communication. Certificate ..... 1931
(Provisions/portions of LB 947 amended into LB 1120 by AM4081)
(Provisions/portions of LB 1119 amended into LB 1120 by AM3364)

**LEGISLATIVE BILL 1120A. By Wickersham**

Mar. 12 Read first time. Placed on General File ..... 1036
Mar. 18 Wickersham AM3837 printed ..... 1133
Mar. 20 Wickersham pending AM3837 p. 1133 adopted Advanced for Review ..... 1210
Mar. 23 Placed on Select File ..... 1240
Mar. 24 Advanced for Engrossment ..... 1323
Mar. 30 Correctly Engrossed ..... 1501
Apr. 1 Chambers FA716 printed ..... 1670
Apr. 2 Chambers pending FA716 p. 1670 withdrawn ..... 1677
Apr. 2 Final Reading w/E 43-0-6 ..... 1679
Apr. 2 Speaker signed ..... 1687

Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 8 Returned by Governor without approval (4/8) ..... 1876
Apr. 9 Wickersham motion to override veto passed 31-8-10 ..... 1926
Apr. 9 Communication. Certificate ..... 1931

**LEGISLATIVE BILL 1121. By Wickersham**

Jan. 13 Read first time ..... 271
Jan. 14 Referred to Committee on Education ..... 298
Jan. 20 Notice of hearing (1/27) ..... 346
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1122. By Wickersham**

Jan. 13 Read first time ..... 272
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs ..... 298
Jan. 22 Notice of hearing (1/29) ..... 379
Feb 2 Placed on General File ..... 496
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1123. By Bohlke, Bromm, Wickersham**

Jan. 13 Read first time ..... 272
Jan. 14 Referred to Committee on Education ..... 298
Jan. 15 Notice of hearing (1/26) ..... 324
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1123 amended into LB 1175 by AM4242)

**LEGISLATIVE BILL 1124. By Wickersham, Bohlke**

Jan. 13 Read first time ..... 272
Jan. 14 Referred to Committee on Education ..... 298
Jan. 20 Notice of hearing (1/27) ..... 346
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1124 amended into LB 1175 by AM4207)

**LEGISLATIVE BILL 1125. By Elmer**

Jan. 13 Read first time ..... 272
Jan. 14 Referred to Committee on Natural Resources ..... 298
Jan. 28 Notice of hearing (2/4) ..... 450
Feb. 9 Placed on General File - Com AM3022 ..... 560
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1125 amended into LB 1161 by AM3706)

**LEGISLATIVE BILL 1126. By Elmer**

Jan. 13 Read first time ..... 272
Jan. 14 Referred to Committee on Natural Resources ..... 299
Jan. 21 Notice of hearing (1/29) ..... 356
Feb. 9 Placed on General File ..... 561
Feb. 23 Speaker priority bill ..... 744
Mar. 19 Advanced for Review ..... 1198
Mar. 23 Placed on Select File ..... 1251
Mar. 26 Stuhr motion to suspend rules to permit consideration of AM4184 prevailed. Stuhr AM4184 adopted. Advanced for Engrossment ..... 1486
Mar. 30 Stuhr name added. Elmer name withdrawn ..... 1523
Mar. 31 Correctly Engrossed ..... 1562
Mar. 31 ER9147 change ..... 1564
Apr. 7 Kiel AM4488 printed ..... 1819
Apr. 8 Attorney General's Opinion #98022 to Hilgert ..... 1865
Apr. 8 Kiel motion to return to Select File for AM4488 p. 1819 withdrawn. Final Reading 37-0-12 ..... 1880
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977
(Provisions/portions of LB 1126 amended into LB 1174 by FA732)
(Provisions/portions of LB 1154 amended into LB 1126 by AM4187)

**LEGISLATIVE BILL 1126A. By Stuhr**

Mar. 30 Read first time. Placed on General File ..... 1517
Apr. 1 Advanced for Review ..... 1618
Apr. 1 Placed on Select File ..... 1665
Apr. 6 Advanced for Engrossment ..... 1717
Apr. 6 Correctly Engrossed ..... 1735
Apr. 8 Final Reading 41-0-8 ..... 1881
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 1127. By Robak**

Jan. 13 Read first time ..... 272
Jan. 14 Referred to Committee on Judiciary ..... 299
Jan. 28 Notice of hearing (2/18) ..... 455
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1128. By Brashear, Lynch, Preister, Will**

Jan. 13 Read first time ..... 272
Jan. 14 Referred to Committee on Banking,

Commerce and Insurance ..... 299
Jan. 20 Notice of hearing (1/27) ..... 349
Jan. 29 Placed on General File ..... 463
Feb. 12 Brashear AM3029 printed ..... 619
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 937
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1128 amended into LB 1321 by AM4384)

**LEGISLATIVE BILL 1129. By Robinson, Schimek**

Jan. 13 Read first time ..... 273
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs ..... 299
Jan. 21 Notice of hearing (1/28) ..... 356
Feb. 3 Placed on General File - Com AM2895 ..... 511
Feb. 20 Government, Military and Veterans Affairs Committee priority bill ..... 720
Mar. 5 Crosby AM3296 to Com AM2895 printed ..... 931
Mar. 17 Tyson AM3816 to Com AM2895 printed ..... 1085
Mar. 19 Lynch-Hillman AM3906 to Com AM2895 printed ..... 1182
Mar. 25 Matzke AM4123 to Com AM2895 printed ..... 1412
Mar. 31 Com AM2895 p. 511 adopted. Crosby pending AM3296 p. 931, Tyson pending AM3816 p. 1085, Lynch-Hillman pending AM3906 p. 1182, and Matzke pending AM4123 to Com AM2895 p. 1412 withdrawn. Advanced for Review ..... 1596
Apr. 1 Jensen AM4212 to Com AM2895 printed ..... 1641
Apr. 1 Wesely-Landis AM3504 to Com AM2895 printed ..... 1671
Apr. 2 Placed on Select File - AM7248 ..... 1694
Apr. 2 Schimek AM4375 to Com AM2895 printed ..... 1704
Apr. 6 Schimek AM4408 to Com AM2895 printed ..... 1768
Apr. 6 Crosby AM4454 to Com AM2895 printed ..... 1769
Apr. 6 Jensen AM4461 to Com AM2895 printed ..... 1770
Apr. 7 AM7248 (E & R) adopted. Lynch-Hillman reoffered AM3906 p. 1182 adopted. Crosby pending AM4454 p. 1769 adopted. Jensen unanimous consent to replace pending AM4212 p. 1641 with substitute amendment. No objections. Jensen AM4212 p. 1641 withdrawn. Jensen substitute pending AM4461 p. 1770 adopted. Wesely-Landis pending AM3504 p. 1671 adopted. Chair sustained request for division of question on Tyson reoffered AM3816 p. 1085. Tyson FA745 (1st) to Com AM2895 adopted. Tyson unanimous consent to withdraw FA746 (2nd) to Com AM2895. No objections. Schimek

pending AM4375 p. 1704 withdrawn. Schimek unanimous consent to replace pending AM4408 p. 1768 with substitute amendment. No objections. Schimek AM4408 p. 1768 withdrawn. Wehrbein-Schimek substitute AM4497 to Com AM2895 adopted. Matzke reoffered AM4123 p. 1412 adopted. Brown-Bromm AM4501 withdrawn. Advanced for Engrossment ..... 1827
Apr. 8 Correctly Engrossed. ER9162 change ..... 1863
Apr. 14 Dispensing of reading at large approved. Final Reading w/E 48-1-0 ..... 1948
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/18) ..... 1986
(Provisions/portions of LB 394 amended into LB 1129 by AM3906)
(Provisions/portions of LB 499 amended into LB 1129 by FA745)
(Provisions/portions of LB 776 amended into LB 1129 by AM4461)
(Provisions/portions of LB 951 amended into LB 1129 by AM4454)
(Provisions/portions of LB 1080 amended into LB 1129 by AM3906)
(Provisions/portions of LB 1101 amended into LB 1129 by AM3504)

**LEGISLATIVE BILL 1130. By Lynch**

Jan. 13 Read first time ..... 277
Jan. 14 Referred to Committee on Health and Human Services ..... 299
Jan. 27 Notice of hearing (2/11) ..... 436
Feb. 18 Placed on General File ..... 678
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1131. By Schimek**

Jan. 13 Read first time ..... 277
Jan. 14 Referred to Committee on Revenue ..... 299
Jan. 23 Notice of hearing (1/30) ..... 408
Mar. 4 Indefinitely postponed ..... 908

**LEGISLATIVE BILL 1132. By Suttle**

Jan. 13 Read first time ..... 277
Jan. 14 Referred to Committee on Transportation ..... 299
Feb. 2 Notice of hearing (2/10) ..... 495
Mar. 2 Placed on General File - Com AM3326 ..... 838
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1133. By Robinson, Bohlke, Janssen**

Jan. 13 Read first time ..... 278
Jan. 15 Referred to Committee on Education ..... 324
Jan. 15 Notice of hearing (1/26) ..... 324
Jan. 28 Placed on General File ..... 459
Feb. 2 Correction ..... 495
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 937
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1133 amended into LB 1175 by AM3897)

**LEGISLATIVE BILL 1134. By Janssen, Bromm, Hartnett, Hudkins, Dw. Pedersen, Robinson, Stuhr, Vrtiska**

Jan. 13 Read first time ..... 278
Jan. 15 Referred to Committee on Education ..... 324
Jan. 15 Janssen priority bill ..... 336
Jan. 20 Notice of hearing (1/27) ..... 346
Feb. 13 Placed on General File - Com AM3137 (printed separate) ..... 639
Feb. 24 Com AM3137 p. 639 adopted. Advanced for Review ..... 751
Feb. 26 Placed on Select File - AM7210 ..... 779
Mar. 6 Janssen AM3229 to Com AM3137 printed ..... 945
Mar. 10 AM7210 (E & R) adopted. Janssen pending AM3229 p. 945 to Com AM3137 lost. Advanced for Engrossment ..... 986
Mar. 11 Correction ..... 1005
Mar. 17 Correctly Engrossed ..... 1050
Mar. 17 ER9128 change ..... 1051
Apr. 1 Chambers FA717 printed ..... 1670
Apr. 2 Chambers pending FA717 p. 1670 withdrawn ..... 1677
Apr. 2 Dispensing of reading at large approved. Final Reading 43-2-4 ..... 1680
Apr. 2 Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 8 Approved by Governor (4/8) ..... 1874

**LEGISLATIVE BILL 1134A. By Janssen**

Feb. 27 Read first time. Placed on General File ..... 819
Mar. 3 Advanced for Review ..... 862
Mar. 3 Placed on Select File ..... 877
Mar. 10 Advanced for Engrossment ..... 988
Mar. 17 Correctly Engrossed ..... 1050
Apr. 1 Chambers FA718 printed ..... 1670
Apr. 2 Chambers pending FA718 p. 1670 withdrawn ..... 1677
Apr. 2 Final Reading 43-2-4 ..... 1681

Apr. 2 Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 8 Approved by Governor (4/8) ..... 1874

**LEGISLATIVE BILL 1135. By Brown, Hilgert, Maurstad, Dw. Pedersen, Preister, Schmitt, Thompson**

Jan. 13 Read first time ..... 279
Jan. 15 Referred to Committee on Judiciary ..... 324
Jan. 21 Notice of hearing (1/29) ..... 360
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1136. By Wickersham**

Jan. 13 Read first time ..... 279
Jan. 15 Referred to Committee on Revenue ..... 324
Jan. 28 Notice of hearing (2/5) ..... 451
Feb. 20 Placed on General File - Com AM3103 ..... 715
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1136 amended into LB 695 by AM3747)

**LEGISLATIVE BILL 1137. By Chambers**

Jan. 13 Read first time ..... 279
Jan. 15 Chambers name withdrawn ..... 337
Jan. 15 Referred to Committee on Health and Human Services ..... 324
Jan. 20 Chambers motion to withdraw bill printed ..... 346
Jan. 21 Chambers pending motion p. 346 to withdraw bill prevailed. Withdrawn ..... 352

**LEGISLATIVE BILL 1138. By Vrtiska, Bromm, Coordsen, Cudaback, Hartnett, Janssen, Jones, Schellpeper, Schmitt, Stuhr, Tyson, Willhoft**

Jan. 13 Read first time ..... 282
Jan. 15 Referred to Committee on Appropriations ..... 324
Jan. 29 Vrtiska priority bill ..... 469
Jan. 30 Notice of hearing (2/17) ..... 490
Mar. 3 Placed on General File - Com AM3456 ..... 883
Mar. 5 Com AM3456 p. 883 adopted. Advanced for Review ..... 935
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Mar. 9 Placed on Select File - AM7215 ..... 970
Mar. 19 AM7215 (E & R) adopted. Will pending motion p. 946 to indefinitely postpone withdrawn. Brown AM3653 to Com AM3456 adopted. Advanced for Engrossment ..... 1191
Mar. 23 Correctly Engrossed ..... 1241

Mar. 25 Final Reading w/E 43-1-5 ..... 1353
Mar. 25 President signed ..... 1354
Mar. 25 Presented to Governor (3/25) ..... 1364
Mar. 31 Approved by Governor (3/31) ..... 1571

**LEGISLATIVE BILL 1139. By Robak, Kiel**

Jan. 13 Read first time ..... 282
Jan. 15 Referred to Committee on Judiciary ..... 324
Jan. 28 Notice of hearing (2/18) ..... 455
Mar. 2 Placed on General File - Com AM3392 ..... 842
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1140. By C. Peterson**

Jan. 13 Read first time ..... 282
Jan. 15 Referred to Committee on Health and Human Services ..... 324
Jan. 27 Notice of hearing (2/13) ..... 436
Feb. 19 Placed on General File ..... 700
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1140 amended into LB 1073 by AM3403)

**LEGISLATIVE BILL 1141. By Kiel, Hilgert, Hillman, Jensen, Lynch, Dw. Pedersen, C. Peterson, Preister, Robak, Robinson, Schimek, Suttle, Will, Willhoft**

Jan. 13 Read first time ..... 282
Jan. 15 Referred to Committee on Appropriations ..... 324
Jan. 26 Notice of hearing (2/4) ..... 423
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1142. By Landis, Hartnett, Jensen, Matzke, Dw. Pedersen, Preister, Suttle, Thompson, at the request of the Governor**

Jan. 13 Read first time ..... 282
Jan. 15 Referred to Committee on Revenue ..... 324
Jan. 22 Thompson priority bill ..... 389
Feb. 2 Notice of hearing (2/13) ..... 505
Mar. 17 Placed on General File - Com AM3776 ..... 1104
Mar. 20 Vrtiska AM3959 to Com AM3776 printed ..... 1220
Mar. 25 Landis AM4070 printed ..... 1440
Mar. 26 Vrtiska AM4188 to AM4070 printed ..... 1481
Mar. 30 Revenue Com AM4214 to Com AM3776 printed ..... 1519
Mar. 30 Vrtiska AM4258 to AM4214 printed ..... 1548
Apr. 1 Com AM3776 p. 1104 adopted as amended by Revenue Committee pending AM4214 p. 1519. Vrtiska pending AM3959 p. 1220 withdrawn.

Chair sustained request for division of question on Vrtiska pending AM4258 p. 1548. Vrtiska FA727 (1st) and FA728 (2nd) to AM4214 lost. Vrtiska pending AM4188 p. 1481 withdrawn. Landis pending AM4070 p. 1440 and Bromm motion to indefinitely postpone prevailed ..... 1666

**LEGISLATIVE BILL 1143. By Kristensen**

Jan. 13 Read first time ..... 282
Jan. 15 Referred to Committee on Transportation ..... 324
Jan. 27 Notice of hearing (2/3) ..... 435
Feb. 9 Placed on General File ..... 559
Feb. 23 Speaker priority bill ..... 744
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1144. By Robinson**

Jan. 13 Read first time ..... 283
Jan. 15 Referred to Committee on Natural Resources ..... 324
Feb. 11 Notice of hearing (2/19) ..... 597
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1145. By Landis**

Jan. 13 Read first time ..... 283
Jan. 15 Referred to Committee on Banking, Commerce and Insurance ..... 324
Jan. 20 Notice of hearing (1/27) ..... 349
Jan. 29 Placed on General File - Com AM2903 ..... 464
Feb. 23 Speaker priority bill ..... 744
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1145 amended into LB 1321 by FA733)

**LEGISLATIVE BILL 1146. By Wesely**

Jan. 13 Read first time ..... 283
Jan. 15 Referred to Committee on Health and Human Services ..... 324
Jan. 27 Notice of hearing (2/4) ..... 435
Feb. 23 Speaker priority bill ..... 744
Feb. 25 Placed on General File ..... 772
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1147. By Bruning, Lynch**

Jan. 14 Read first time ..... 289
Jan. 15 Referred to Committee on Transportation ..... 325

Jan. 30 Notice of hearing (2/23) ..... 493
Feb. 25 Dw. Pedersen name added ..... 778
Feb. 26 Placed on General File - Com AM3275 ..... 791
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1148. By Wickersham**

Jan. 14 Read first time ..... 289
Jan. 15 Referred to Committee on Revenue ..... 325
Feb. 2 Notice of hearing (2/13) ..... 505
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1149. By Wickersham**

Jan. 14 Read first time ..... 289
Jan. 15 Referred to Committee on Revenue ..... 325
Jan. 15 Notice of hearing (1/22) ..... 333
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1150. By Dw. Pedersen**

Jan. 14 Read first time ..... 289
Jan. 15 Referred to Committee on Judiciary ..... 325
Jan. 21 Notice of hearing (1/29) ..... 360
Jan. 22 Notice of hearing (1/29) (cancel) ..... 379
Jan. 28 Notice of hearing (2/19) (reset) ..... 455
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1151. By Dw. Pedersen**

Jan. 14 Read first time ..... 289
Jan. 15 Referred to Committee on Transportation ..... 325
Jan. 27 Notice of hearing (2/3) ..... 435
Feb. 5 Indefinitely postponed ..... 541

**LEGISLATIVE BILL 1152. By Schmitt, Coordsen, Cudaback, Dierks, Vrtiska, Wickersham**

Jan. 14 Read first time ..... 289
Jan. 14 Schmitt priority bill ..... 293
Jan. 15 Referred to Committee on Government, Military and Veterans Affairs ..... 325
Jan. 28 Notice of hearing (2/4) ..... 450
Feb. 23 Schellpeper-Jones AM3226 printed ..... 739
Feb. 25 Placed on General File - Com AM3088 ..... 766
Mar. 2 Com AM3088 p. 766 pending. Schellpeper-Jones pending AM3226 p. 739 withdrawn. Schellpeper AM3412 to Com AM3088 pending ..... 844
Mar. 2 Schellpeper pending AM3412 p. 844 to

Com AM3088 adopted. Dierks motion to reconsider Schellpeper AM3412 failed ..... 850
Mar. 2 Schmitt AM3413 to Com AM3088 lost ..... 856
Mar. 2 Schmitt AM3438 to AM3412 printed ..... 857
Mar. 2 Beutler AM3439, Dierks FA540, and Beutler FA541 to AM3412 printed. Bohlke AM3429 printed ..... 858
Mar. 2 Chambers motion to indefinitely postpone printed ..... 859
Mar. 3 Schmitt unanimous consent to bracket. No objections ..... 867
Mar. 12 Com AM3088 p. 766 pending. Schmitt pending AM3438 p. 857 to Com AM3088 pending ..... 1033
Mar. 12 Schmitt pending AM3438 p. 857 to Com AM3088 lost. Beutler requested to pass over his pending AM3439 p. 858. Dierks pending FA540 p. 858 to Com AM3088 pending. Robinson-Schellpeper unanimous consent to bracket until 3/23/98. Schmitt objected. Robinson-Schellpeper motion to bracket until 3/23/98 pending ..... 1036
Mar. 17 Beutler AM3733 printed ..... 1052
Mar. 17 Schmitt AM3732 to AM3412 printed ..... 1053
Mar. 26 Schmitt AM4158 printed ..... 1456
Apr. 6 Schmitt motion to bracket until 5/1/98 ruled out of order. Schmitt unanimous consent to bracket until 4/14/98. No objections ..... 1731
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1153. By Revenue Committee**

Jan. 14 Read first time ..... 290
Jan. 15 Referred to Committee on Revenue ..... 325
Jan. 15 Notice of hearing (1/23) ..... 333
Feb. 17 Indefinitely postponed ..... 660
(Provisions/portions of LB 1153 amended into LB 1104 by AM3950)
(Provisions/portions of LB 1153 amended into LB 306 by AM2828)

**LEGISLATIVE BILL 1154. By Stuhr, Beutler, Bromm, Bruning, Coordsen, Hudkins, Janssen, Jones, C. Peterson, Robinson, Schellpeper, Schmitt, Schrock, Wickersham**

Jan. 14 Read first time ..... 290
Jan. 15 Referred to Committee on Natural Resources ..... 325
Jan. 27 Stuhr priority bill ..... 440
Jan. 28 Notice of hearing (2/4) ..... 450
Mar. 17 Placed on General File - Com AM3755 ..... 1070
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1154 amended into LB 1126 by AM4187)

**LEGISLATIVE BILL 1154A. By Stuhr, Beutler**

Mar. 25 Read first time.
Placed on General File ..... 1432
Mar. 30 Kristensen motion to suspend rules to permit consideration of bill printed ..... 1524
Mar. 30 Wehrbein AM4237 printed ..... 1533
Mar. 31 Kristensen pending motion p. 1524 to suspend rules to permit consideration of bill prevailed. Wehrbein pending AM4237 p. 1533 adopted. Advanced for Review ..... 1556
Apr. 1 Placed on Select File - AM7243 ..... 1625
Apr. 6 AM7243 (E & R) adopted. Advanced for Engrossment ..... 1717
Apr. 6 Correctly Engrossed ..... 1735
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1155. By Brashear**

Jan. 14 Read first time ..... 290
Jan. 15 Referred to Committee on Revenue ..... 325
Jan. 28 Notice of hearing (2/4) ..... 451
Mar. 4 Indefinitely postponed ..... 908

**LEGISLATIVE BILL 1156. By Brashear**

Jan. 14 Read first time ..... 290
Jan. 15 Referred to Committee on Judiciary ..... 325
Jan. 23 Notice of hearing (1/30) ..... 409
Feb. 18 Placed on General File ..... 674
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1156 amended into LB 1158 by AM4489)

**LEGISLATIVE BILL 1157. By Wehrbein**

Jan. 14 Read first time ..... 290
Jan. 15 Referred to Committee on Transportation ..... 325
Jan. 30 Notice of hearing (2/10) ..... 493
Jan. 30 Schimek name added ..... 493
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1158. By D. Pederson**

Jan. 14 Read first time ..... 290
Jan. 15 Referred to Committee on Appropriations ..... 325
Jan. 26 Notice of hearing (2/5) ..... 423
Feb. 20 Appropriations Committee priority bill ..... 722
Mar. 3 Placed on General File ..... 882

Mar. 30 Advanced for Review ..... 1512
Mar. 30 Placed on Select File - AM7241 ..... 1530
Apr. 7 AM7241 (E & R) adopted. Brashear AM4489 adopted. Advanced for Engrossment ..... 1826
Apr. 8 Correctly Engrossed ..... 1843
Apr. 8 ER9161 change ..... 1844
Apr. 14 Motion to return to Select File for Chambers FA752 withdrawn. Final Reading 49-0-0 ..... 1949
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/18) ..... 1986
(Provisions/portions of LB 1156 amended into LB 1158 by AM4489)

**LEGISLATIVE BILL 1159. By Matzke, D. Pederson, Wickersham**

Jan. 14 Read first time ..... 291
Jan. 15 Referred to Committee on Education ..... 325
Jan. 20 Notice of hearing (1/27) ..... 346
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1159 amended into LB 1175 by AM3897)

**LEGISLATIVE BILL 1160. By Coordsen**

Jan. 14 Read first time ..... 291
Jan. 15 Referred to Committee on Education ..... 325
Feb. 10 Notice of hearing (2/23) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1161. By Bromm, Beutler, Bohlke, Bruning, Elmer, Preister, Schrock, Stuhr**

Jan. 14 Read first time ..... 291
Jan. 14 Elmer priority bill ..... 293
Jan. 15 Referred to Committee on Natural Resources ..... 325
Feb. 4 Notice of hearing (2/11) ..... 533
Feb. 9 Bromm AM3055 printed separate ..... 564
Mar. 17 Placed on General File - Com AM3706 (printed separate) ..... 1075
Mar. 20 Robinson AM3787 printed ..... 1221
Mar. 23 Com AM3706 p. 1075 adopted. Bromm pending AM3055 p. 564 and Robinson pending AM3787 p. 1221 withdrawn. Advanced for Review ..... 1267
Mar. 26 Placed on Select File - AM7237 ..... 1473
Mar. 31 AM7237 (E & R) adopted. Robinson unanimous consent to replace reoffered AM3787 p. 1221 with substitute amendment. No objections. Robinson AM3787 p. 1221 withdrawn. Robinson-Preister substitute AM4294 to

Com AM3706 adopted. Beutler-Engel-Bromm AM4300 and Schrock AM4255 to Com AM3706 adopted. Beutler AM4284 (on file) adopted. Elmer AM4306 to Com AM3706 adopted. Advanced for Engrossment ..... 1591
Apr. 6 Correctly Engrossed ..... 1711
Apr. 6 ER9153 change ..... 1713
Apr. 8 Dispensing of reading at large approved. Final Reading w/E 41-0-8 ..... 1886
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Returned by Governor without approval (4/14) ..... 1974
Apr. 14 Beutler motion to override veto passed 38-0-11 ..... 1978
Apr. 14 Communication. Certificate ..... 1981
(Provisions/portions of LB 700 amended into LB 1161 by AM4284)
(Provisions/portions of LB 921 amended into LB 1161 by AM3706)
(Provisions/portions of LB 963 amended into LB 1161 by AM3706)
(Provisions/portions of LB 1190 amended into LB 1161 by AM3706)

**LEGISLATIVE BILL 1161A. By Bromm, Elmer, Schrock**

Mar. 24 Read first time. Placed on General File ..... 1319
Mar. 26 Advanced for Review ..... 1452
Mar. 26 Placed on Select File ..... 1474
Mar. 31 Bromm AM4319 printed ..... 1600
Apr. 2 Bromm pending AM4319 p. 1600 adopted. Advanced for Engrossment ..... 1675
Apr. 6 Correctly Engrossed ..... 1711
Apr. 8 Final Reading w/E 40-0-9 ..... 1887
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Returned by Governor without approval (4/14) ..... 1974
Apr. 14 Beutler motion to override veto passed 36-0-13 ..... 1978
Apr. 14 Communication. Certificate ..... 1981

**LEGISLATIVE BILL 1162. By Landis, Wesely**

Jan. 14 Read first time ..... 291
Jan. 15 Referred to Committee on Banking, Commerce and Insurance ..... 325
Feb. 2 Notice of hearing (2/10) ..... 506
Feb. 12 Placed on General File ..... 625
Feb. 20 Landis priority bill ..... 720
Feb. 26 Suttle-Landis AM3321 printed ..... 787
Mar. 9 Suttle-Landis pending AM3321 p. 787 withdrawn. Landis AM3615 and AM3603 adopted. Advanced for Review ..... 976
Mar. 10 Robak AM3633 printed ..... 995

Mar. 17 Placed on Select File - AM7230 (printed separate) ..... 1102
Mar. 18 Landis AM3778 to AM7230 printed ..... 1115
Mar. 18 Crosby AM3712 printed ..... 1133
Mar. 19 Wesely-Schmitt-Tyson-Jones AM3881 to AM7230 printed ..... 1179
Mar. 19 Schimek-Stuhr-Suttle-Janssen-Preister AM3946 to AM7230 printed ..... 1196
Mar. 24 AM7230 (E & R) adopted. Robak pending AM3633 p. 995 lost. Landis pending AM3778 p. 1115 adopted. Crosby AM3712 p. 1133 withdrawn. Chair sustained request for division of question on Wesely et al. pending AM3881 p. 1179. Wesely et al. FA643 (1st) to AM7230 adopted. Wesely et al. FA644 (2nd) to AM7230 adopted as amended by Wesely FA645. Schimek unanimous consent to replace Schimek et al. pending AM3946 p. 1196 with substitute amendment. No objections. Schimek et al. AM3946 p. 1196 withdrawn. Schimek-Tyson substitute AM4107 to AM7230 lost. Matzke FA634 to AM7230 lost. Advanced for Engrossment ..... 1323
Mar. 25 Schimek AM4161 printed ..... 1443
Mar. 30 Correctly Engrossed ..... 1501
Mar. 30 ER9143 change ..... 1503
Apr. 9 Motion to return to Select File for Schimek pending AM4161 p. 1443 withdrawn. Dispensing of reading at large approved. Final Reading 43-3-3 ..... 1918
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/14) ..... 1977
(Provisions/portions of LB 800 amended into LB 1162 by AM3603)
(Provisions/portions of LB 849 amended into LB 1162 by AM3603)
(Provisions/portions of LB 1194 amended into LB 1162 by AM3881)

**LEGISLATIVE BILL 1162A. By Wesely**

Mar. 25 Read first time. Placed on General File ..... 1433
Mar. 30 Advanced for Review ..... 1501
Mar. 30 Placed on Select File ..... 1530
Apr. 2 Advanced for Engrossment ..... 1676
Apr. 6 Correctly Engrossed ..... 1711
Apr. 9 Final Reading 43-1-5 ..... 1919
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 1163. By Suttle, Crosby, Robinson**

| | | | |
|---|---|---|---|
| Jan. | 14 | Read first time | 292 |
| Jan. | 15 | Referred to Committee on Education | 325 |
| Jan. | 26 | Notice of hearing (2/2) | 416 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1164. By Maurstad, Hilgert, Tyson**

| | | | |
|---|---|---|---|
| Jan. | 14 | Read first time | 292 |
| Jan. | 15 | Referred to Committee on Banking, Commerce and Insurance | 325 |
| Jan. | 26 | Notice of hearing (2/2) | 424 |
| Feb. | 20 | Indefinitely postponed | 712 |

**LEGISLATIVE BILL 1165. By Robak**

| | | | |
|---|---|---|---|
| Jan. | 14 | Read first time | 293 |
| Jan. | 15 | Referred to Committee on Health and Human Services | 325 |
| Jan. | 27 | Notice of hearing (2/13) | 436 |
| Feb. | 19 | Indefinitely postponed | 704 |

**LEGISLATIVE BILL 1166. By Stuhr, Crosby, Hudkins, Schimek, Suttle, Witek**

| | | | |
|---|---|---|---|
| Jan. | 14 | Read first time | 293 |
| Jan. | 15 | Referred to Committee on Judiciary | 325 |
| Jan. | 15 | Jensen name added | 337 |
| Jan. | 21 | Notice of hearing (1/28) | 360 |
| Apr. | 6 | Placed on General File - Com AM4347 | 1721 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1167. By Robinson**

| | | | |
|---|---|---|---|
| Jan. | 14 | Read first time | 293 |
| Jan. | 15 | Referred to Committee on Government, Military and Veterans Affairs | 325 |
| Jan. | 22 | Notice of hearing (1/29) | 379 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1168. By Dierks, Coordsen, Hudkins, Jones, Schellpeper, Schmitt, Wehrbein, Wickersham**

| | | | |
|---|---|---|---|
| Jan. | 14 | Read first time | 293 |
| Jan. | 15 | Referred to Committee on Agriculture | 325 |
| Jan. | 27 | Notice of hearing (2/3) | 435 |
| Feb. | 5 | Placed on General File | 548 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1169. By Elmer**

Jan. 14 Read first time ..... 302
Jan. 21 Referred to Committee on Education ..... 351
Feb. 10 Notice of hearing (2/17) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1170. By Elmer**

Jan. 14 Read first time ..... 302
Jan. 21 Referred to Committee on Natural Resources ..... 351
Feb. 11 Notice of hearing (2/19) ..... 597
Feb. 23 Speaker priority bill ..... 744
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1171. By Hilgert, Suttle**

Jan. 14 Read first time ..... 303
Jan. 21 Referred to Committee on Transportation ..... 351
Jan. 30 Notice of hearing (2/10) ..... 493
Feb. 20 Placed on General File ..... 712
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1171A. By Hilgert**

Mar. 3 Read first time.
Placed on General File ..... 878
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1172. By Schrock, Bromm, Cudaback, Raikes, Stuhr, Vrtiska**

Jan. 14 Read first time ..... 303
Jan. 21 Referred to Committee on Agriculture ..... 351
Feb. 13 Notice of hearing (2/24) ..... 643
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1173. By Raikes, Beutler, Brown, Crosby, Hudkins, Landis, Maurstad, Schimek, Wesely**

Jan. 14 Read first time ..... 303
Jan. 21 Referred to Committee on Appropriations ..... 351
Jan. 21 Hudkins priority bill ..... 357
Jan. 26 Notice of hearing (2/5) ..... 423
Mar. 6 Placed on General File - Com AM3488 ..... 950
Mar. 10 Chair sustained request for division
of question on Com AM3488 p. 950.

Com FA572 (1st) pending ..... 1000
Mar. 12 Com FA572 (1st) p. 1000, Com FA573 (2nd), and Com FA574 (3rd) adopted. Raikes-Chambers AM3731 to Com AM3488 adopted. Advanced for Review ..... 1028
Mar. 17 Placed on Select File - AM7228 ..... 1102
Mar. 23 AM7228 (E & R) adopted. Advanced for Engrossment ..... 1266
Mar. 26 Correctly Engrossed ..... 1455
Mar. 31 Final Reading w/E 40-0-9 ..... 1558
Mar. 31 President signed ..... 1559
Mar. 31 Presented to Governor (3/31) ..... 1568
Apr. 6 Approved by Governor (4/6) ..... 1755

**LEGISLATIVE BILL 1174. By Revenue Committee**

Jan. 14 Read first time ..... 303
Jan. 15 Referred to Committee on Revenue ..... 325
Jan. 15 Notice of hearing (1/23) ..... 333
Jan. 26 Revenue Committee priority bill ..... 414
Feb. 12 Placed on General File - Com AM3115 ..... 619
Apr. 1 Beutler AM4299 printed ..... 1644
Apr. 2 Com AM3115 p. 619 lost. Beutler pending AM4299 p. 1644 withdrawn. Beutler FA732 adopted. Advanced for Review ..... 1689
Apr. 6 Placed on Select File - AM7253 ..... 1726
Apr. 8 AM7253 (E & R) adopted. Advanced for Engrossment ..... 1850
Apr. 8 Correctly Engrossed ..... 1892
Apr. 14 Final Reading w/E 45-0-4 ..... 1950
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/18) ..... 1986
(Provisions/portions of LB 1126 amended into LB 1174 by FA732)

**LEGISLATIVE BILL 1174A. By Wickersham**

Feb. 20 Read first time. Placed on General File ..... 722
Mar. 3 Wickersham AM3353 printed ..... 890
Apr. 2 Wickersham pending AM3353 p. 890 withdrawn. Beutler AM4373 adopted. Advanced for Review ..... 1692
Apr. 6 Placed on Select File - AM7255 ..... 1729
Apr. 8 AM7255 (E & R) adopted. Advanced for Engrossment ..... 1850
Apr. 8 Correctly Engrossed ..... 1892
Apr. 14 Final Reading w/E 44-0-5 ..... 1951
Apr. 14 President signed ..... 1953

Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/18) ..... 1986

**LEGISLATIVE BILL 1175. By Education Committee**

Jan. 14 Read first time ..... 305
Jan. 21 Referred to Committee on Education ..... 351
Jan. 27 Notice of hearing (2/9) ..... 431
Jan. 27 Education Committee priority bill ..... 434
Mar. 17 Schimek AM3820 printed ..... 1087
Mar. 19 Placed on General File - Com AM3897 (printed separate) ..... 1172
Mar. 20 Chambers motion to recommit to Committee failed ..... 1219
Mar. 20 Chambers motion to reconsider vote on motion to recommit to Committee failed. Chambers motion to bracket until 4/13/98 withdrawn ..... 1223
Mar. 20 Chair sustained request for division of question on Com AM3897 p. 1172. Com FA612 (1st), Com FA613 (2nd), and Com FA620 (3rd) adopted. Com FA621 (4th) adopted as amended by Coordsen AM3976. Com FA614 (5th), Com FA615 (6th), Com FA616 (7th), Com FA617 (8th), Com FA618 (9th), Com FA619 (10th), Com FA622 (11th), Com FA623 (12th), and Com FA624 (13th) lost. Com FA625 (14th) adopted. Schimek pending AM3820 p. 1087 withdrawn. Advanced for Review ..... 1225
Mar. 20 Schimek AM3973 printed ..... 1232
Mar. 26 Placed on Select File - AM7236 (printed separate) ..... 1473
Mar. 30 Wickersham AM4207 and AM4035 to AM7236 printed ..... 1548
Mar. 30 Schrock AM4221 and Thompson AM4003 to AM7236 printed ..... 1549
Mar. 31 Bohlke AM4242 to AM7236 printed ..... 1585
Mar. 31 Schrock AM4309 to AM7236 printed ..... 1587
Mar. 31 Bohlke AM4296 to AM7236 printed ..... 1597
Mar. 31 Bohlke AM4295 to AM7236 printed ..... 1599
Mar. 31 Bohlke AM4281 to AM7236 printed ..... 1605
Apr. 2 Bohlke AM4274 and AM4215 to AM7236 printed ..... 1700
Apr. 6 AM7236 (E & R) adopted. Schimek pending AM3973 p. 1232 withdrawn. Wickersham pending AM4207 p. 1548 adopted. Schrock unanimous consent to replace pending AM4221 p. 1549 with substitute amendment. No objections. Schrock AM4221 p. 1549 withdrawn. Schrock substitute pending AM4309 p. 1587 adopted. Suttle

unanimous consent to replace Thompson pending AM4003 p. 1549 with substitute amendment. No objections. Thompson AM4003 p. 1549 withdrawn. Thompson-Suttle substitute AM4314 to AM7236 adopted. Bohlke pending AM4242 p. 1585 and Bohlke pending AM4296 p. 1597 adopted. Bohlke AM4295 p. 1599 withdrawn. Bohlke pending AM4281 p. 1605 and Bohlke pending AM4215 p. 1700 adopted. Willhoft AM4377 to AM7236 adopted. Wickersham pending AM4035 p. 1548 pending ..... 1762
Apr. 6 Kiel AM4261 to AM7236 printed ..... 1768
Apr. 7 Wickersham pending AM4035 p. 1548 withdrawn. Elmer FA741 to AM4035 withdrawn. Kiel pending AM4261 p. 1768 withdrawn. Bohlke pending AM4274 p. 1700 adopted. Advanced for Engrossment ..... 1799
Apr. 8 Correctly Engrossed. ER9158 change ..... 1848
Apr. 14 Bohlke motion to recommit to Education Committee withdrawn. Chambers motion to bracket until 4:30 p.m. 4/14/98 withdrawn ..... 1951
Apr. 14 Motion to return to Select File for Brown AM4520 withdrawn. Chambers motion to extend session for further consideration pending ..... 1952
Apr. 14 Chambers pending motion p. 1952 to extend session for further consideration pending ..... 1953
Apr. 14 Chambers pending motion p. 1952 to extend session for further consideration failed. Chambers-Bromm FA754 to Chambers motion p. 1952 lost. Robinson point of order. Robinson challenged ruling of Chair. Chair sustained ..... 1954
Apr. 14 Dispensing of reading at large approved. Final Reading w/E 34-8-7 ..... 1956
Apr. 14 President signed ..... 1963
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Returned by Governor without approval (4/18) ..... 1988
(Provisions/portions of LB 711 amended into LB 1175 by FA625)
(Provisions/portions of LB 1103 amended into LB 1175)
(Provisions/portions of LB 1110 amended into LB 1175 by AM4296)
(Provisions/portions of LB 1110A amended into LB 1175 by AM4296)
(Provisions/portions of LB 1123 amended into LB 1175 by AM4242)
(Provisions/portions of LB 1124 amended into LB 1175 by AM4207)
(Provisions/portions of LB 1133 amended into LB 1175 by AM3897)
(Provisions/portions of LB 1159 amended into LB 1175 by AM3897)
(Provisions/portions of LB 1197 amended into LB 1175 by AM3897)
(Provisions/portions of LB 1210 amended into LB 1175 by AM3897)
(Provisions/portions of LB 1344 amended into LB 1175 by AM4003)
(Provisions/portions of LB 1344 amended into LB 1175 by AM4314)

**LEGISLATIVE BILL 1176. By Bruning, Brashear, Kiel, Raikes, Schimek, Suttle, Thompson, Witek, at the request of the Governor**

Jan. 14 Read first time
Bruning priority bill ..... 306
Jan. 21 Referred to Committee on Appropriations ..... 351
Jan. 23 Rereferred to Committee on Education ..... 394
Jan. 27 Notice of hearing (2/3) ..... 430
Mar. 11 Placed on General File ..... 1006
Mar. 23 Bruning unanimous consent to replace AM4022 (on file) with substitute amendment. No objections. Bruning AM4022 (on file) withdrawn. Bruning substitute AM4046 pending ..... 1267
Mar. 23 Dw. Pedersen name added ..... 1280
Mar. 24 Wickersham-Raikes AM4037 and AM4039 to AM4022 printed ..... 1281
Mar. 24 Wickersham-Raikes AM4040 to AM4022 printed ..... 1282
Mar. 24 Wickersham-Raikes AM4038 to AM4022 printed ..... 1283
Mar. 24 Chambers FA636, FA637, FA638, and FA639 to AM4046 printed ..... 1332
Mar. 24 Chambers FA640, FA641, and FA642 to AM4046 printed ..... 1333
Mar. 26 Bruning AM4197 to AM4046 printed ..... 1492
Mar. 30 Wickersham AM4220 to AM4197 printed ..... 1523
Mar. 31 Bruning unanimous consent to replace pending AM4046 p. 1268 with substitute amendment. No objections. Bruning AM4046 p. 1268 withdrawn. Bruning substitute pending AM4197 p. 1492 adopted. Wickersham-Raikes AM4037, AM4039, AM4040, and AM4038 p. 1281, p. 1282, and p. 1283 withdrawn. Chambers pending FA636, FA637, FA638, FA639, FA640, FA641, and FA642 p. 1332 and p. 1333 withdrawn. Wickersham pending AM4220 p. 1523 withdrawn. Chambers AM4265 (on file) adopted. Wickersham FA673 to AM4197 adopted. Chambers FA674 adopted. Advanced for Review ..... 1603
Apr. 2 Placed on Select File - AM7250 ..... 1695
Apr. 6 Bruning AM4462 printed ..... 1757
Apr. 7 AM7250 (E & R) adopted. Bruning pending AM4462 p. 1757 withdrawn. Bruning AM4480 pending. Chambers motion to bracket until 4/14/98 failed. Chambers motion to reconsider vote on motion to bracket pending ..... 1786
Apr. 7 Chambers unanimous consent to withdraw pending motion p. 1792 to reconsider

vote. No objections. Chambers motion to recommit to Education Committee withdrawn. Bruning pending AM4480 p. 1786 withdrawn. Bruning AM4486 adopted. Failed to Advance for Engrossment ..... 1793
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1176A. By Bruning**

Mar. 23 Read first time. Placed on General File ..... 1257
Mar. 26 Bruning AM4168 printed ..... 1481
Mar. 31 Bruning pending AM4168 p. 1481 withdrawn. Bruning FA672 adopted Advanced for Review ..... 1612
Apr. 2 Placed on Select File - AM7251 ..... 1699
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1177. By Abboud**

Jan. 14 Read first time ..... 306
Jan. 21 Referred to Committee on Revenue ..... 351
Feb. 2 Notice of hearing (2/20) ..... 506
Mar. 11 Indefinitely postponed ..... 1016

**LEGISLATIVE BILL 1178. By Vrtiska**

Jan. 15 Read first time ..... 320
Jan. 21 Referred to Committee on Banking, Commerce and Insurance ..... 351
Jan. 26 Notice of hearing (2/2) ..... 424
Feb. 3 Placed on General File ..... 518
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1178 amended into LB 1321 by AM4460)

**LEGISLATIVE BILL 1179. By Landis**

Jan. 15 Read first time ..... 320
Jan. 21 Referred to Committee on Banking, Commerce and Insurance ..... 352
Jan. 26 Notice of hearing (2/3) ..... 424
Feb. 5 Placed on General File - Com AM3007 ..... 547
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1180. By Landis**

Jan. 15 Read first time ..... 321
Jan. 21 Referred to Committee on Banking,

Commerce and Insurance ..... 352
Jan. 26 Notice of hearing (2/3) ..... 424
Feb. 4 Placed on General File ..... 537
Feb. 24 Chambers FA520 adopted.
Advanced for Review ..... 747
Feb. 25 Placed on Select File ..... 772
Feb. 26 Advanced for Engrossment ..... 798
Feb. 27 Correctly Engrossed ..... 824
Mar. 20 Final Reading 41-0-8 ..... 1213
Mar. 20 Speaker signed ..... 1215
Mar. 20 Presented to Governor (3/20) ..... 1218
Mar. 25 Approved by Governor (3/25) ..... 1390

**LEGISLATIVE BILL 1181. By Maurstad**

Jan. 15 Read first time ..... 321
Jan. 21 Referred to Committee on Health and
Human Services ..... 352
Jan. 27 Notice of hearing (2/18) ..... 436
Feb. 25 Indefinitely postponed ..... 772

**LEGISLATIVE BILL 1182. By Maurstad**

Jan. 15 Read first time ..... 321
Jan. 21 Referred to Committee on General Affairs ..... 352
Jan. 23 Notice of hearing (2/2) ..... 409
Mar. 3 Placed on General File - Com AM3397 ..... 872
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1183. By Maurstad**

Jan. 15 Read first time ..... 321
Jan. 21 Referred to Committee on Appropriations ..... 352
Jan. 22 Kiel name added ..... 391
Jan. 23 Brown, Suttle and Dw. Pedersen names added ..... 409
Jan. 26 Notice of hearing (2/2) ..... 423
Jan. 29 Lynch name added ..... 477
Jan. 30 C. Peterson name added ..... 493
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1183 amended into LB 1108 by AM3432)

**LEGISLATIVE BILL 1184. By Jensen, Janssen, Robinson, Vrtiska**

Jan. 15 Read first time ..... 321
Jan. 21 Referred to Committee on Government,
Military and Veterans Affairs ..... 352
Jan. 23 Jensen AM2747 printed separate ..... 408
Jan. 29 Notice of hearing (2/5) ..... 461
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1185. By Hillman, Cudaback, Engel, Maurstad**

| | | | |
|---|---|---|---|
| Jan. | 15 | Read first time | 321 |
| Jan. | 21 | Referred to Committee on Revenue | 352 |
| Jan. | 28 | Notice of hearing (2/4) | 451 |
| Mar. | 4 | Indefinitely postponed | 908 |

**LEGISLATIVE BILL 1186. By Stuhr, Coordsen**

| | | | |
|---|---|---|---|
| Jan. | 15 | Read first time | 321 |
| Jan. | 21 | Referred to Committee on Revenue | 352 |
| Feb. | 2 | Notice of hearing (2/13) | 505 |
| Mar. | 3 | Indefinitely postponed | 881 |

**LEGISLATIVE BILL 1187. By Kiel**

| | | | |
|---|---|---|---|
| Jan. | 15 | Read first time | 326 |
| Jan. | 21 | Referred to Committee on Transportation | 352 |
| Jan. | 30 | Notice of hearing (2/9) | 493 |
| Feb. | 12 | Placed on General File - Com AM3118 | 625 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1188. By Kiel, Crosby, Suttle, Thompson**

| | | | |
|---|---|---|---|
| Jan. | 15 | Read first time | 326 |
| Jan. | 21 | Referred to Committee on Transportation | 352 |
| Jan. | 30 | Notice of hearing (2/17) | 493 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1189. By Witek**

| | | | |
|---|---|---|---|
| Jan. | 15 | Read first time | 326 |
| Jan. | 21 | Referred to Committee on Education | 352 |
| Feb. | 10 | Notice of hearing (2/24) | 576 |
| Mar. | 3 | Lynch name added | 878 |
| Mar. | 10 | Will name added | 1004 |
| Apr. | 14 | Indefinitely postponed | 1983 |

**LEGISLATIVE BILL 1190. By Wickersham**

| | | | |
|---|---|---|---|
| Jan. | 15 | Read first time | 326 |
| Jan. | 21 | Referred to Committee on Revenue | 352 |
| Feb. | 2 | Notice of hearing (2/12) | 505 |
| Feb. | 11 | Wickersham AM3089 printed | 600 |
| Feb. | 20 | Placed on General File - Com AM3089 | 716 |
| Feb. | 23 | Speaker priority bill | 744 |

Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1190 amended into LB 1161 by AM3706)

**LEGISLATIVE BILL 1191. By Nebraska Retirement Systems Committee**

Jan. 15 Read first time ..... 331
Jan. 20 Notice of hearing (1/27) ..... 346
Jan. 21 Referred to Committee on Nebraska Retirement Systems ..... 352
Feb. 18 Placed on General File - Com AM3180 ..... 685
Feb. 20 Nebraska Retirement Systems Committee priority bill ..... 720
Mar. 5 Com AM3180 p. 685 adopted. Advanced for Review ..... 912
Mar. 6 Crosby-Wickersham-Janssen AM3476 printed ..... 943
Mar. 9 Placed on Select File - AM7217 ..... 969
Mar. 18 Janssen-Wickersham AM3832 printed separate. Crosby AM3754 printed ..... 1136
Mar. 25 AM7217 (E & R) adopted. Crosby unanimous consent to replace Crosby et al. pending AM3476 p. 943 with substitute amendment. No objections. Crosby et al. AM3476 p. 943 withdrawn. Crosby substitute pending AM3754 p. 1136 adopted. Janssen-Wickersham pending AM3832 p. 1136 adopted. Advanced for Engrossment ..... 1372
Mar. 31 Correctly Engrossed ..... 1562
Mar. 31 ER9148 change ..... 1565
Apr. 8 Dispensing of reading at large approved. Final Reading 43-0-6 ..... 1888
Apr. 8 President signed ..... 1892
Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977
(Provisions/portions of LB 337 amended into LB 1191 by AM3754)
(Provisions/portions of LB 1076 amended into LB 1191 by AM3832)
(Provisions/portions of LB 1192 amended into LB 1191 by AM2832)

**LEGISLATIVE BILL 1191A. By Stuhr, Wickersham**

Mar. 26 Read first time. Placed on General File ..... 1458
Apr. 1 Advanced for Review ..... 1618
Apr. 1 Placed on Select File ..... 1665
Apr. 6 Advanced for Engrossment ..... 1717
Apr. 6 Correctly Engrossed ..... 1735
Apr. 8 Final Reading 41-0-8 ..... 1889
Apr. 8 President signed ..... 1892

Apr. 9 Presented to Governor (4/8) ..... 1897
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 1192. By Nebraska Retirement Systems Committee**

Jan. 15 Read first time ..... 331
Jan. 21 Referred to Committee on Nebraska Retirement Systems ..... 352
Jan. 27 Notice of hearing (2/3) ..... 436
Feb. 19 Placed on General File - Com AM3181 ..... 693
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1192 amended into LB 1191 by AM3832)

**LEGISLATIVE BILL 1193. By Dierks, Schellpeper**

Jan. 15 Read first time ..... 331
Jan. 20 Dierks motion to suspend rules to permit scheduling of hearing ..... 349
Jan. 21 Referred to Committee on Agriculture ..... 352
Jan. 21 Dierks pending motion p. 349 to suspend rules to permit scheduling of hearing prevailed ..... 353
Jan. 21 Notice of hearing (1/27) ..... 360
Jan. 29 Placed on General File ..... 465
Jan. 29 Agriculture Committee priority bill ..... 469
Mar. 5 Dierks AM3533 adopted ..... 912
Mar. 5 Matzke-Wickersham FA557 printed ..... 920
Mar. 11 Matzke-Wickersham pending FA557 p. 920 withdrawn. Wickersham FA577 lost. Advanced for Review ..... 1019
Mar. 17 Placed on Select File ..... 1102
Mar. 26 Matzke FA647 printed ..... 1482
Mar. 30 Bruning AM4231 printed ..... 1532
Mar. 30 Dierks-Landis-Wickersham AM4224 printed ..... 1547
Apr. 6 Matzke pending FA647 p. 1482 withdrawn. Dierks et al. pending AM4224 p. 1547 adopted. Bruning pending AM4231 p. 1532 withdrawn. Hudkins AM4438 adopted. Advanced for Engrossment ..... 1756
Apr. 7 Correctly Engrossed ..... 1800
Apr. 7 ER9157 change ..... 1801
Apr. 9 Final Reading 37-3-9 ..... 1905
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/14) ..... 1977
(Provisions/portions of LB 1248 amended into LB 1193 by AM4438)

**LEGISLATIVE BILL 1193A. By Dierks**

Mar. 17 Read first time.
Placed on General File ..... 1076
Mar. 20 Advanced for Review ..... 1211
Mar. 23 Placed on Select File ..... 1240
Mar. 24 Dierks AM4060 printed ..... 1345
Apr. 6 Dierks pending AM4060 p. 1345
adopted. Advanced for Engrossment ..... 1757
Apr. 7 Correctly Engrossed ..... 1800
Apr. 9 Final Reading 38-3-8 ..... 1906
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor with line-item veto (4/14) ..... 1977
Apr. 14 Communication ..... 1980
Apr. 20 Message from Secretary of State ..... 1985

**LEGISLATIVE BILL 1194. By Wesely, Schimek**

Jan. 15 Read first time ..... 332
Jan. 21 Referred to Committee on Banking, Commerce and Insurance ..... 352
Jan. 26 Notice of hearing (2/2) ..... 424
Feb. 12 Placed on General File - Com AM3099 ..... 612
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1194 amended into LB 1162 by AM3881)

**LEGISLATIVE BILL 1195. By Vrtiska**

Jan. 15 Read first time ..... 332
Jan. 21 Referred to Committee on Revenue ..... 352
Feb. 2 Notice of hearing (2/12) ..... 505
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1196. By Schellpeper, Beutler, Bohlke, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jones, D. Pederson, Preister, Raikes, Robak, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Willhoft**

Jan. 15 Read first time ..... 332
Jan. 21 Referred to Committee on Natural Resources ..... 352
Jan. 21 Schellpeper priority bill ..... 366
Jan. 23 Notice of hearing (1/30) ..... 409
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1197. By D. Pederson, Jones, Matzke, Schrock, Wickersham**

Jan. 15 Read first time ..... 332
Jan. 21 Referred to Committee on Education ..... 352

Feb. 3 Notice of hearing (2/10) ..... 517
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1197 amended into LB 1175 by AM3897)

**LEGISLATIVE BILL 1198. By Bohlke**

Jan. 15 Read first time ..... 332
Jan. 21 Referred to Committee on Revenue ..... 352
Feb. 2 Notice of hearing (2/18) ..... 505
Feb. 20 Indefinitely postponed ..... 720

**LEGISLATIVE BILL 1199. By Wesely, Beutler, Crosby, Hudkins, Raikes, Schimek**

Jan. 15 Read first time ..... 333
Jan. 21 Referred to Committee on Appropriations ..... 352
Jan. 21 Landis name added ..... 368
Jan. 30 Notice of hearing (2/12) ..... 489
Mar. 3 Indefinitely postponed ..... 884

**LEGISLATIVE BILL 1200. By Wesely, Beutler, Crosby, Schimek**

Jan. 15 Read first time ..... 333
Jan. 21 Referred to Committee on Appropriations ..... 352
Jan. 26 Notice of hearing (2/3) ..... 423
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1201. By Beutler**

Jan. 20 Read first time ..... 340
Jan. 22 Referred to Committee on Banking, Commerce and Insurance ..... 369
Feb. 2 Notice of hearing (2/10) ..... 506
Feb. 12 Placed on General File ..... 625
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 937
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1202. By Beutler**

Jan. 20 Read first time ..... 340
Jan. 22 Referred to Committee on Natural Resources ..... 369
Feb. 18 Notice of hearing (2/25) ..... 676
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1203. By Landis**

Jan. 20 Read first time ..... 341
Jan. 22 Referred to Committee on Judiciary ..... 369
Jan. 23 Notice of hearing (1/30) ..... 409
Feb. 18 Placed on General File ..... 674
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1203 amended into LB 404 by AM3139)

**LEGISLATIVE BILL 1204. By Landis**

Jan. 20 Read first time ..... 341
Jan. 22 Referred to Committee on Education ..... 369
Feb. 10 Notice of hearing (2/24) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1205. By Beutler**

Jan. 20 Read first time ..... 341
Jan. 22 Referred to Committee on Agriculture ..... 369
Jan. 30 Notice of hearing (2/10) ..... 492
Feb. 13 Indefinitely postponed ..... 643

**LEGISLATIVE BILL 1206. By Wehrbein**

Jan. 20 Read first time ..... 342
Jan. 22 Referred to Committee on Appropriations ..... 369
Jan. 26 Notice of hearing (2/3) ..... 423
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1206 amended into LB 1108 by AM3432)

**LEGISLATIVE BILL 1207. By Schrock**

Jan. 20 Read first time ..... 342
Jan. 22 Referred to Committee on Transportation ..... 369
Jan. 30 Notice of hearing (2/9) ..... 493
Feb. 12 Placed on General File - Com AM3117 ..... 625
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1208. By Schrock**

Jan. 20 Read first time ..... 342
Jan. 22 Referred to Committee on Natural Resources ..... 370
Feb. 4 Notice of hearing (2/12) ..... 533
Feb. 24 Placed on General File - Com AM3234 ..... 748
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1209. By Natural Resources Committee**

Jan. 20 Read first time ..... 342
Jan. 20 Natural Resources Committee priority bill ..... 347

Jan. 22 Referred to Committee on Natural Resources ..... 370
Jan. 23 Notice of hearing (1/30) ..... 409
Feb. 11 Preister priority bill ..... 599
Mar. 20 Bruning-Schrock AM3987 printed ..... 1229
Mar. 20 Bruning-Schrock AM3989 printed ..... 1230
Mar. 23 Schellpeper AM4034 printed separate. Bruning-Schrock AM4032 and AM4031 to Com AM4002 printed ..... 1246
Mar. 23 Placed on General File - Com AM4002 (printed separate). Elmer-Bruning-Schrock-Bromm-Stuhr AM4048 to Com AM4002 printed. Bruning AM4042 to Com AM4002 printed ..... 1254
Mar. 23 Executive Board approval of Speaker major proposal ..... 1273
Mar. 25 Robak AM4132 to Com AM4002 printed ..... 1396
Mar. 30 Bruning-Schrock pending AM3987 and AM3989 p. 1229 and p. 1230 withdrawn. Schellpeper unanimous consent to replace AM4234 to Com AM4002 with substitute amendment. No objections. Schellpeper AM4234 withdrawn. Com AM4002 p. 1254 adopted as amended by Schellpeper-Beutler substitute AM4246 ..... 1525
Mar. 30 Schellpeper pending AM4034 p. 1246 withdrawn. Bruning-Schrock pending AM4032 and AM4031 p. 1246 withdrawn. Elmer et al. pending AM4048 p. 1254 and Bruning pending AM4042 p. 1254 withdrawn. Robak unanimous consent to replace pending AM4132 p. 1396 with substitute amendment. No objections. Robak AM4132 p. 1396 withdrawn. Robak substitute AM4228 to Com AM4002 lost. Bohlke AM4223 to Com AM4002 withdrawn. Schellpeper FA668 to AM4223 withdrawn. Dierks FA667 to AM4002 adopted. Advanced for Review ..... 1534
Mar. 30 Dierks AM4232 to Com AM4002 printed ..... 1541
Apr. 1 Placed on Select File - AM7244 (printed separate) ..... 1625
Apr. 6 AM7244 (E & R) adopted. Dierks pending AM4232 p. 1541 withdrawn. Coordsen AM4391 to AM7244 withdrawn. Beutler-Schellpeper AM4437 to AM7244 adopted ..... 1720
Apr. 6 Dierks FA738 to AM7244 adopted. Beutler motion to reconsider vote on Dierks FA738 prevailed. Dierks reconsidered FA738 lost ..... 1722
Apr. 6 Schrock-Bruning AM4436 to AM7244 pending ..... 1730
Apr. 6 Schrock-Bruning pending AM4436 p. 1730 lost. Bohlke AM4452 adopted. Bromm-Beutler-Schellpeper AM4449 adopted.

Bruning AM4455 to AM7244 adopted.
Advanced for Engrossment ..... 1731
Apr. 7 Correctly Engrossed ..... 1800
Apr. 7 ER9156 change ..... 1803
Apr. 9 Motion to return to Select File for Schellpeper FA750 withdrawn. Motion to return to Select File for Chambers FA751 withdrawn.
Final Reading w/E 39-6-4 ..... 1907
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 1209A. By Beutler**

Mar. 31 Read first time.
Placed on General File ..... 1590
Apr. 2 Advanced for Review ..... 1675
Apr. 2 Placed on Select File ..... 1699
Apr. 6 Advanced for Engrossment ..... 1734
Apr. 7 Correctly Engrossed ..... 1800
Apr. 9 Final Reading w/E 37-4-8 ..... 1908
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Governor (4/9) ..... 1927
Apr. 14 Approved by Governor (4/14) ..... 1977

**LEGISLATIVE BILL 1210. By Coordsen, Bohlke**

Jan. 20 Read first time ..... 342
Jan. 22 Referred to Committee on Education ..... 370
Feb. 3 Notice of hearing (2/10) ..... 517
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1210 amended into LB 1175 by AM3897)

**LEGISLATIVE BILL 1211. By Coordsen, Bohlke**

Jan. 20 Read first time ..... 342
Jan. 22 Referred to Committee on Education ..... 370
Feb. 3 Notice of hearing (2/10) ..... 517
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1212. By Wickersham**

Jan. 20 Read first time ..... 343
Jan. 22 Referred to Committee on Natural Resources ..... 370
Feb. 18 Notice of hearing (2/26) ..... 676
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1213. By Wickersham**

Jan. 20 Read first time ..... 343
Jan. 22 Referred to Committee on Natural Resources ..... 370
Feb. 18 Notice of hearing (2/26) ..... 676
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1214. By Dierks, Coordsen, Crosby, Engel, Jones, Maurstad, Dw. Pedersen, Tyson**

Jan. 20 Read first time ..... 343
Jan. 22 Referred to Committee on Judiciary ..... 370
Jan. 28 Notice of hearing (2/20) ..... 455
Mar. 2 Indefinitely postponed ..... 844

**LEGISLATIVE BILL 1215. By Will**

Jan. 20 Read first time ..... 343
Jan. 22 Referred to Committee on Revenue ..... 370
Feb. 2 Notice of hearing (2/25) ..... 506
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1216. By Hartnett**

Jan. 20 Read first time ..... 344
Jan. 22 Referred to Committee on General Affairs ..... 370
Jan. 23 Notice of hearing (2/2) ..... 409
Feb. 10 Placed on General File - Com AM3083 ..... 584
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1217. By Stuhr, Beutler, Bohlke, Brashear, Bromm, Raikes, Suttle, Wickersham**

Jan. 20 Read first time ..... 344
Jan. 22 Referred to Committee on Education ..... 370
Feb. 3 Notice of hearing (2/10) ..... 517
Mar. 19 Placed on General File ..... 1207
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1218. By Schellpeper**

Jan. 20 Read first time ..... 345
Jan. 22 Referred to Committee on Judiciary ..... 370
Jan. 28 Notice of hearing (2/4) ..... 455
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1219. By Bohlke, Dierks, Stuhr, Suttle**

Jan. 20 Read first time ..... 345
Jan. 22 Referred to Committee on Education ..... 370
Jan. 27 Notice of hearing (2/9) ..... 431

Jan. 28 Dierks priority bill ..... 456
Mar. 9 Placed on General File - Com AM3580 ..... 962
Mar. 23 Executive Board approval of Speaker major proposal ..... 1273
Mar. 26 Com AM3580 p. 962 pending. Bohlke AM3780 to Com AM3580 pending ..... 1453
Mar. 26 Com AM3580 p. 962 adopted as amended by Bohlke pending AM3780 p. 1453. Raikes AM4165 pending. Beutler FA656 to AM4165 pending. Dierks AM4143 printed ..... 1459
Mar. 26 Beutler pending FA656 p. 1459 withdrawn. Beutler FA657 to AM4165 lost. Raikes pending AM4165 p. 1459 lost. Suttle AM4099 lost. Bromm-Wickersham-Raikes-Bohlke AM4182 adopted. Advanced for Review ..... 1469
Mar. 30 Placed on Select File - AM7240 (printed separate) ..... 1524
Mar. 31 Coordsen AM4271 to AM7240 printed ..... 1568
Mar. 31 Bohlke-Raikes AM4256 to AM7240 printed ..... 1570
Apr. 1 AM7240 (E & R) adopted. Dierks pending AM4143 p. 1459 lost. Coordsen AM4312 to AM7240 pending. Beutler FA676 to AM4312 pending ..... 1621
Apr. 1 Beutler pending FA676 p. 1624 to AM4312 lost. Beutler FA675 to AM4312 withdrawn. Willhoft unanimous consent to replace FA678 to AM4312 with substitute amendment. No objections. Willhoft FA678 withdrawn. Willhoft substitute FA694 lost ..... 1638
Apr. 1 Bromm-Coordsen-Beutler FA695 to AM4312 adopted. Coordsen pending AM4312 p. 1622 lost as amended. Coordsen pending AM4271 p. 1568 withdrawn. Bohlke-Raikes pending AM4256 p. 1570 adopted. Beutler AM4346 to AM7240 lost. Bohlke AM4338 (on file) adopted. Beutler AM4303 to AM7240 lost. Wesely motion to reconsider vote on Coordsen AM4312 prevailed. Coordsen reconsidered AM4312 p. 1622 adopted as amended. Advanced for Engrossment ..... 1649
Apr. 6 Correctly Engrossed. ER9155 change ..... 1735
Apr. 6 Willhoft AM4405 printed ..... 1754
Apr. 8 Willhoft pending AM4405 p. 1754 withdrawn. Returned to Select File for Bohlke AM4514 prevailed. Bohlke AM4515 adopted. Advanced for Reengrossment ..... 1871
Apr. 8 Correctly Reengrossed ..... 1892
Apr. 8 ER9169 change ..... 1893
Apr. 14 Dispensing of reading at large approved.

Final Reading w/E 35-13-1 ..... 1945
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/18) ..... 1986
(Provisions/portions of LB 1247 amended into LB 1219 by AM4312)
(Provisions/portions of LB 1008 amended into LB 1219 by AM4182)

**LEGISLATIVE BILL 1219A. By Bohlke**

Mar. 23 Read first time.
Placed on General File ..... 1256
Mar. 26 Advanced for Review ..... 1483
Mar. 30 Placed on Select File ..... 1524
Mar. 31 Coordsen AM4272 printed ..... 1576
Apr. 1 Coordsen pending AM4272 p. 1576 adopted.
Advanced for Engrossment ..... 1652
Apr. 6 Correctly Engrossed ..... 1735
Apr. 6 ER9154 change ..... 1736
Apr. 6 Bohlke AM4466 printed ..... 1762
Apr. 8 Returned to Select File for Bohlke pending AM4466 p. 1762. Bohlke AM4466 adopted.
Advanced for Reengrossment ..... 1872
Apr. 8 Correctly Reengrossed ..... 1892
Apr. 8 ER9170 change ..... 1894
Apr. 14 Final Reading w/E 35-9-5 ..... 1946
Apr. 14 President signed ..... 1953
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/18) ..... 1986

**LEGISLATIVE BILL 1220. By Lynch**

Jan. 20 Read first time ..... 345
Jan. 22 Referred to Committee on Judiciary ..... 370
Jan. 28 Notice of hearing (2/20) ..... 455
Mar. 2 Placed on General File ..... 842
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1221. By Dw. Pedersen**

Jan. 20 Read first time ..... 345
Jan. 22 Referred to Committee on Judiciary ..... 370
Jan. 28 Notice of hearing (2/19) ..... 455
Mar. 2 Placed on General File ..... 842
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1222. By Robak**

Jan. 20 Read first time ..... 345
Jan. 22 Referred to Committee on General Affairs ..... 370

Feb. 11 Notice of hearing (2/23) ..... 599
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1223. By Witek**

Jan. 20 Read first time ..... 345
Jan. 21 Jensen name added ..... 368
Jan. 22 Referred to Committee on Health and Human Services ..... 370
Jan. 22 Notice of hearing (1/29) ..... 379
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1224. By Hartnett**

Jan. 20 Read first time ..... 347
Jan. 22 Referred to Committee on Judiciary ..... 370
Jan. 28 Notice of hearing (2/18) ..... 455
Feb. 20 Placed on General File ..... 712
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1224 amended into LB 234 by AM3315)

**LEGISLATIVE BILL 1225. By Brashear**

Jan. 20 Read first time ..... 347
Jan. 22 Referred to Committee on Judiciary ..... 370
Jan. 23 Notice of hearing (1/30) ..... 409
Feb. 18 Placed on General File - Com AM3146 ..... 674
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1225 amended into LB 234 by AM3315)

**LEGISLATIVE BILL 1226. By Robak, Crosby, Dierks, Schmitt**

Jan. 20 Read first time ..... 348
Jan. 22 Referred to Committee on Revenue ..... 370
Jan. 28 Notice of hearing (2/11) ..... 451
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1227. By Hartnett, Bruning, Lynch, Robak, Schimek, Thompson**

Jan. 20 Read first time ..... 348
Jan. 22 Referred to Committee on Revenue ..... 370
Jan. 23 Notice of hearing (1/30) ..... 409
Jan. 26 Wickersham motion to suspend rules to permit cancellation of hearing printed ..... 424
Jan. 27 Wickersham pending motion p. 424 to suspend rules to permit cancellation of hearing prevailed ..... 431
Jan. 27 Notice of hearing (1/30) (cancel) ..... 435

Feb. 2 Notice of hearing (2/20) ..... 506
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1228. By Bohlke, Abboud, Beutler, Brashear, Bromm, Brown, Elmer, Hilgert, Hudkins, Janssen, Dw. Pedersen, D. Pederson, C. Peterson, Raikes, Schimek, Schrock, Stuhr, Suttle, Thompson, Wesely, Wickersham, Willhoft**

Jan. 20 Read first time ..... 349
Jan. 21 Bohlke priority bill ..... 357
Jan. 22 Referred to Committee on Education ..... 370
Jan. 22 Beutler name withdrawn ..... 392
Jan. 26 Notice of hearing (2/2) ..... 416
Feb. 25 Placed on General File - Com AM3320 (printed separate) ..... 772
Mar. 2 Bohlke AM3445 to Com AM3320 printed ..... 857
Mar. 3 Chair sustained request for division of question on Com AM3320 p 772. Com FA545 Com FA545 (1st) pending. Bohlke pending AM3445 p. 857 to Com FA545 (1st) pending ..... 867
Mar. 3 Bohlke pending AM3445 p. 857 to Com FA545 (1st) adopted. Chambers FA550 to Com FA545 (1st) lost ..... 878
Mar. 3 Stuhr FA551 to Com FA545 (1st) adopted ..... 881
Mar. 3 Chambers FA552 to Com FA545 (1st) lost. Chambers motion to reconsider vote on Chambers FA552 failed ..... 886
Mar. 3 Chambers FA555 to Com FA545 (1st) withdrawn. Chambers FA556 to Com FA545 (1st) pending ..... 893
Mar. 3 Bromm FA553 to FA548 printed. Witek AM3470 to FA547 printed. Witek AM3441 and AM3442 to Com AM3320 printed ..... 895
Mar. 4 Chambers pending FA556 p. 893 withdrawn. Com FA545 (1st) adopted as amended by Bohlke AM3499 and AM3518 ..... 905
Mar. 4 Com FA548 (2nd) adopted as amended by Bromm pending FA553 p. 895 ..... 906
Mar. 4 Com FA547 (3rd) pending. Witek pending AM3470 p. 895 to Com FA547 (3rd) lost ..... 908
Mar. 5 Com FA547 (3rd) p. 908 adopted. Com FA546 (4th) pending ..... 912
Mar. 5 Bromm AM3543 to Com FA546 (4th) pending ..... 921
Mar. 5 Bromm pending AM3543 p. 921 withdrawn. Com FA546 (4th) p. 912 adopted as amended by Bromm-Bohlke AM3547. Witek pending AM3442 p. 895 to Com FA549 (5th) lost. Com FA549 (5th) adopted as amended by Bromm FA559. Witek pending AM3441 p. 895 withdrawn.

Advanced for Review ..... 924
Mar. 9 Placed on Select File - AM7214 (printed separate) ..... 969
Mar. 10 Witek AM3508 to AM7214 printed ..... 988
Mar. 10 Witek AM3509 to AM7214 printed ..... 989
Mar. 18 AM7214 (E & R) adopted. Witek pending AM3508 p. 988 lost ..... 1134
Mar. 18 Witek pending AM3509 p. 989 lost ..... 1137
Mar. 18 Bohlke AM3847 to AM7214 adopted. Chair sustained request for division of question on Bohlke AM3854 to AM7214. Bohlke FA603 (1st) to AM7214 lost. Bohlke FA602 (2nd) to AM7214 adopted. Bromm AM3900 and Bohlke AM3862 to AM7214 adopted. Bromm AM3918 to AM7214 withdrawn. Bromm FA604 to AM7214 adopted. Advanced for Engrossment ..... 1151
Mar. 20 Correctly Engrossed ..... 1228
Mar. 20 ER9132 change ..... 1229
Apr. 1 Chambers FA719 printed ..... 1670
Apr. 2 Chambers pending FA719 p. 1670 withdrawn ..... 1677
Apr. 2 Dispensing of reading at large approved. Final Reading 40-6-3 ..... 1682
Apr. 2 Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 8 Approved by Governor (4/8) ..... 1874
(Provisions/portions of LB 1336 amended into LB 1228 by FA548)
(Provisions/portions of LB 1336 amended into LB 1228 by FA549)

**LEGISLATIVE BILL 1228A. By Bohlke**

Mar. 24 Read first time. Placed on General File ..... 1295
Mar. 26 Advanced for Review ..... 1452
Mar. 26 Placed on Select File ..... 1474
Mar. 30 Advanced for Engrossment ..... 1501
Mar. 31 Correctly Engrossed ..... 1562
Apr. 1 Chambers FA720 printed ..... 1670
Apr. 2 Chambers pending FA720 p. 1670 withdrawn ..... 1677
Apr. 2 Final Reading 38-3-8 ..... 1683
Apr. 2 Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 2 Willhoft explanation of vote ..... 1708
Apr. 8 Approved by Governor with line-item veto (4/8) ..... 1874
Apr. 14 Communication ..... 1979

**LEGISLATIVE BILL 1229. By Bohlke, Abboud, Brashear, Brown, Hillman, D. Pederson, Raikes, Schimek, Schrock, Suttle, Wesely, Wickersham, Willhoft**

Jan. 20 Read first time ..... 350
Jan. 22 Referred to Committee on Education ..... 370

Jan. 22 Beutler name added ..... 391
Jan. 27 Notice of hearing (2/9) ..... 431
Feb. 2 D. Pederson priority bill ..... 505
Feb. 25 Placed on General File ..... 772
Mar. 3 D. Pederson-Bohlke AM3446 printed ..... 881
Mar. 9 D. Pederson-Bohlke pending AM3446 p. 881
adopted. C. Peterson AM3620 adopted.
Advanced for Review ..... 971
Mar. 17 Bohlke AM3685 printed ..... 1078
Mar. 17 Schimek AM3410 printed ..... 1087
Mar. 17 Placed on Select File - AM7223 (printed separate) ..... 1101
Mar. 23 AM7223 (E & R) adopted. C. Peterson
unanimous consent to replace Bohlke pending
AM3685 p. 1078 with substitute amendment.
No objections. Bohlke AM3685 p. 1078
withdrawn. Bohlke-C. Peterson substitute
AM3936 adopted. Schimek pending AM3410
p. 1087 withdrawn. Schimek AM3974 adopted.
Chambers FA629 lost. Bohlke FA630 pending ..... 1263
Mar. 24 Bohlke pending FA630 p. 1266 adopted.
Advanced for Engrossment ..... 1302
Mar. 26 Correctly Engrossed. ER9139 change ..... 1455
Apr. 1 Chambers FA721 printed ..... 1670
Apr. 2 Chambers pending FA721 p. 1670 withdrawn ..... 1677
Apr. 2 Motion to return to Select File for Bromm
FA730 withdrawn ..... 1683
Apr. 2 Dispensing of reading at large approved.
Final Reading w/E 36-9-4 ..... 1684
Apr. 2 Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 8 Approved by Governor (4/8) ..... 1874
(Provisions/portions of LB 50 amended into LB 1229 by AM3974)
(Provisions/portions of LB 1031 amended into LB 1229 by AM3936)

**LEGISLATIVE BILL 1229A. By Bohlke**

Mar. 5 Read first time.
Placed on General File ..... 934
Mar. 9 Advanced for Review ..... 971
Mar. 11 Bohlke AM3656 printed ..... 1022
Mar. 17 Placed on Select File ..... 1101
Mar. 24 Bohlke pending AM3656 p. 1022 adopted.
Advanced for Engrossment ..... 1302
Mar. 26 Correctly Engrossed ..... 1455
Mar. 26 ER9140 change ..... 1456
Apr. 1 Chambers FA722 printed ..... 1670
Apr. 2 Chambers pending FA722 p. 1670 withdrawn ..... 1677
Apr. 2 Final Reading 38-8-3 ..... 1685
Apr. 2 Speaker signed ..... 1687

Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 8 Approved by Governor with line-item veto (4/8) ..... 1875
Apr. 14 Communication ..... 1980

**LEGISLATIVE BILL 1230. By Maurstad**

Jan. 21 Read first time ..... 354
Jan. 23 Referred to Committee on Banking, Commerce and Insurance ..... 394
Feb. 2 Notice of hearing (2/9) ..... 506
Feb. 11 Indefinitely postponed ..... 598

**LEGISLATIVE BILL 1231. By Wickersham, Bohlke**

Jan. 21 Read first time ..... 354
Jan. 23 Referred to Committee on Revenue ..... 394
Jan. 28 Notice of hearing (2/5) ..... 451
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1232. By Beutler**

Jan. 21 Read first time ..... 354
Jan. 23 Referred to Committee on Natural Resources ..... 394
Feb. 18 Notice of hearing (2/27) ..... 676
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1233. By Brashear**

Jan. 21 Read first time ..... 354
Jan. 23 Referred to Committee on Judiciary ..... 394
Jan. 23 Notice of hearing (1/30) ..... 409
Feb. 18 Placed on General File ..... 674
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1234. By Brashear**

Jan. 21 Read first time ..... 354
Jan. 23 Referred to Committee on Judiciary ..... 394
Jan. 28 Notice of hearing (2/11) ..... 455
Feb. 17 Placed on General File - Com AM3057 ..... 654
Feb. 20 Judiciary Committee priority bill ..... 721
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1234 amended into LB 1266 by AM3986)

**LEGISLATIVE BILL 1235. By Landis**

Jan. 21 Read first time ..... 355
Jan. 26 Correction ..... 411
Jan. 26 Referred to Committee on

Banking, Commerce and Insurance ..... 412
Feb. 9 Notice of hearing (2/24) ..... 563
Feb. 26 Placed on General File ..... 785
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1236. By Landis**

Jan. 21 Read first time ..... 355
Jan. 23 Referred to Committee on Banking Commerce and Insurance ..... 394
Jan. 26 Notice of hearing (2/2) ..... 424
Feb. 3 Placed on General File ..... 518
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1237. By Landis**

Jan. 21 Read first time ..... 355
Jan. 23 Referred to Committee on Banking, Commerce and Insurance ..... 394
Jan. 26 Notice of hearing (2/3) ..... 424
Feb. 4 Indefinitely postponed ..... 537
(Provisions/portions of LB 1237 amended into LB 1321 by FA733)

**LEGISLATIVE BILL 1238. By Landis**

Jan. 21 Read first time ..... 355
Jan. 23 Referred to Committee on Banking, Commerce and Insurance ..... 394
Jan. 26 Notice of hearing (2/3) ..... 424
Feb. 9 Placed on General File - Com AM3008 (printed separate) ..... 561
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1238 amended into LB 1321 by FA733)

**LEGISLATIVE BILL 1239. By Landis**

Jan. 21 Read first time ..... 355
Jan. 23 Referred to Committee on Revenue ..... 394
Feb. 2 Notice of hearing (2/26) ..... 506
Mar. 2 Placed on General File ..... 847
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1240. By Elmer**

Jan. 21 Read first time ..... 356
Jan. 23 Referred to Committee on Education ..... 394
Jan. 27 Notice of hearing (2/9) ..... 431
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1241. By Schellpeper**

Jan. 21 Read first time ..... 356
Jan. 23 Referred to Committee on General Affairs ..... 394
Feb. 11 Notice of hearing (2/23) ..... 600
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1242. By Hartnett**

Jan. 21 Read first time ..... 356
Jan. 23 Referred to Committee on Judiciary ..... 394
Jan. 28 Notice of hearing (2/11) ..... 455
Feb. 17 Indefinitely postponed ..... 656

**LEGISLATIVE BILL 1243. By Tyson, Maurstad**

Jan. 21 Read first time ..... 356
Jan. 23 Referred to Committee on Government, Military and Veterans Affairs ..... 394
Feb. 5 Notice of hearing (2/12) ..... 542
Feb. 25 Placed on General File - Com AM3303 ..... 768
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1244. By Wesely**

Jan. 21 Read first time ..... 358
Jan. 23 Referred to Committee on Health and Human Services ..... 394
Jan. 27 Notice of hearing (2/18) ..... 436
Feb. 25 Placed on General File ..... 772
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1244 amended into LB 1354 by AM3466)

**LEGISLATIVE BILL 1245. By Kristensen**

Jan. 21 Read first time ..... 358
Jan. 23 Referred to Committee on Banking, Commerce and Insurance ..... 395
Feb. 2 Notice of hearing (2/10) ..... 506
Feb. 12 Placed on General File ..... 625
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1246. By Kristensen**

Jan. 21 Read first time ..... 358
Jan. 23 Referred to Committee on Government, Military and Veterans Affairs ..... 395
Jan. 23 Notice of hearing (1/30) ..... 397

Feb. 25 Placed on General File - Com AM2939 ..... 768
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1247. By Coordsen, Bromm, Dierks, Matzke, Robak, Schellpeper, Stuhr, Vrtiska, Wickersham, Willhoft**

Jan. 21 Read first time ..... 358
Jan. 23 Referred to Committee on Appropriations ..... 395
Jan. 26 Rereferred to Committee on Education ..... 412
Feb. 10 Notice of hearing (2/23) ..... 576
Feb. 11 Schrock name added ..... 606
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1247 amended into LB 1219 by AM4312)

**LEGISLATIVE BILL 1248. By Dierks, Hudkins, Schellpeper, Schmitt, Schrock, Stuhr, Vrtiska**

Jan. 21 Read first time ..... 359
Jan. 23 Referred to Committee on Agriculture ..... 395
Feb. 5 Notice of hearing (2/17) ..... 547
Feb. 5 Agriculture Committee priority bill ..... 557
Feb. 25 Placed on General File ..... 772
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1248 amended into LB 1193 by AM4438)

**LEGISLATIVE BILL 1249. By Hillman, Engel**

Jan. 21 Read first time ..... 359
Jan. 23 Referred to Committee on Government, Military and Veterans Affairs ..... 395
Jan. 23 Notice of hearing (1/30) ..... 397
Feb. 23 Indefinitely postponed ..... 737

**LEGISLATIVE BILL 1250. By Kristensen**

Jan. 21 Read first time ..... 363
Jan. 23 Referred to Committee on Judiciary ..... 395
Jan. 28 Notice of hearing (2/19) ..... 455
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1251. By Landis**

Jan. 21 Read first time ..... 363
Jan. 23 Referred to Committee on Banking, Commerce and Insurance ..... 395
Jan. 26 Notice of hearing (2/3) ..... 424
Feb. 4 Indefinitely postponed ..... 537

**LEGISLATIVE BILL 1252. By Will**

Jan. 21 Read first time ..... 363
Jan. 23 Referred to Committee on Revenue ..... 395
Feb. 2 Notice of hearing (2/12) ..... 505
Mar. 4 Indefinitely postponed ..... 908

**LEGISLATIVE BILL 1253. By Will**

Jan. 21 Read first time ..... 363
Jan. 23 Referred to Committee on Natural Resources ..... 395
Feb. 18 Notice of hearing (2/27) ..... 676
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1254. By Raikes**

Jan. 21 Read first time ..... 363
Jan. 23 Referred to Committee on Government, Military and Veterans Affairs ..... 395
Feb. 4 Notice of hearing (2/11) ..... 529
Feb. 23 Placed on General File ..... 737
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1255. By Hilgert**

Jan. 21 Read first time ..... 363
Jan. 23 Referred to Committee on Business and Labor ..... 395
Jan. 23 Notice of hearing (2/2) ..... 409
Feb. 3 Placed on General File - Com AM2942 ..... 522
Feb. 20 Business and Labor Committee priority bill ..... 722
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1256. By Hartnett, Wehrbein**

Jan. 21 Read first time ..... 363
Jan. 23 Referred to Committee on Transportation ..... 395
Jan. 30 Notice of hearing (2/10) ..... 493
Mar. 2 Placed on General File ..... 838
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1257. By Hilgert**

Jan. 21 Read first time ..... 364
Jan. 23 Referred to Committee on Health and Human Services ..... 395
Jan. 27 Notice of hearing (2/12) ..... 436
Feb. 19 Indefinitely postponed ..... 704

**LEGISLATIVE BILL 1258. By Education Committee**

Jan. 21 Read first time ..... 364
Jan. 23 Referred to Committee on Education ..... 395
Jan. 27 Notice of hearing (2/9) ..... 431
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1259. By Hartnett, Lynch, Will**

Jan. 21 Read first time ..... 364
Jan. 23 Referred to Committee on Urban Affairs ..... 395
Jan. 27 Notice of hearing (2/10) ..... 435
Jan. 27 Preister name added ..... 447
Feb. 20 Urban Affairs Committee priority bill ..... 709
Mar. 12 Placed on General File - Com AM3423 ..... 1030
Mar. 31 Com AM3423 p. 1030 adopted. Advanced for Review ..... 1596
Mar. 31 Hartnett AM4276 printed ..... 1605
Mar. 31 Chambers name added ..... 1612
Apr. 2 Placed on Select File - AM7247 ..... 1694
Apr. 7 AM7247 (E & R) adopted. Hartnett pending AM4276 p. 1605 withdrawn. Advanced for Engrossment ..... 1840
Apr. 8 Correctly Engrossed ..... 1848
Apr. 14 Motion to return to Select File for Abboud FA753 withdrawn ..... 1957
Apr. 14 Final Reading 32-9-8 ..... 1958
Apr. 14 President signed ..... 1963
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/18) ..... 1988

**LEGISLATIVE BILL 1260. By Wickersham**

Jan. 21 Read first time ..... 364
Jan. 23 Referred to Committee on Revenue ..... 395
Jan. 23 Notice of hearing (1/30) ..... 409
Mar. 4 Indefinitely postponed ..... 908

**LEGISLATIVE BILL 1261. By Will**

Jan. 21 Read first time ..... 364
Jan. 23 Referred to Committee on General Affairs ..... 395
Jan. 30 Notice of hearing (2/9) ..... 489
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1262. By Will**

Jan. 21 Read first time ..... 364
Jan. 23 Referred to Committee on General Affairs ..... 395
Jan. 30 Notice of hearing (2/9) ..... 489
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1263. By D. Pederson, Abboud, Bruning, Engel, Matzke, Wickersham, Will**

Jan. 21 Read first time ..... 364
Jan. 23 Referred to Committee on Judiciary ..... 395
Jan. 28 Notice of hearing (2/12) ..... 455
Feb. 17 Placed on General File - Com AM3101 ..... 654
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1264. By Landis**

Jan. 21 Read first time ..... 365
Jan. 23 Referred to Committee on Transportation ..... 395
Jan. 30 Notice of hearing (2/9) ..... 493
Feb. 12 Placed on General File ..... 625
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1265. By Landis**

Jan. 21 Read first time ..... 365
Jan. 23 Referred to Committee on Agriculture ..... 395
Feb. 13 Notice of hearing (2/24) ..... 643
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1266. By Wesely, Hilgert**

Jan. 21 Read first time ..... 365
Jan. 23 Referred to Committee on Judiciary ..... 395
Jan. 28 Notice of hearing (2/13) ..... 455
Feb. 20 Chambers priority bill ..... 721
Mar. 12 Placed on General File - Com AM3728 ..... 1035
Apr. 6 Com AM3728 p. 1035 adopted.
Advanced for Review ..... 1744
Apr. 6 Chambers name added ..... 1775
Apr. 7 Placed on Select File - AM7259
Chambers AM3986 printed ..... 1783
Apr. 8 AM7259 (E & R) adopted. Chambers pending AM3986 p. 1783 adopted.
Advanced for Engrossment ..... 1848
Apr. 8 Correctly Engrossed ..... 1863
Apr. 8 ER9163 change ..... 1864
Apr. 14 Final Reading 40-2-7 ..... 1958
Apr. 14 President signed ..... 1963
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Approved by Governor (4/18) ..... 1990
(Provisions/portions of LB 1234 amended into LB 1266 by AM3986)

**LEGISLATIVE BILL 1267. By Wesely, Hilgert**

Jan. 21 Read first time ..... 365
Jan. 22 Kiel name added ..... 391
Jan. 23 Referred to Committee on Health and Human Services ..... 395
Jan. 27 Notice of hearing (2/12) ..... 436
Feb. 19 Placed on General File ..... 700
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1268. By Wesely**

Jan. 21 Read first time ..... 365
Jan. 22 Will name added ..... 392
Jan. 23 Referred to Committee on Transportation ..... 395
Jan. 26 Notice of hearing (2/2) ..... 416
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1269. By Dw. Pedersen**

Jan. 21 Read first time ..... 365
Jan. 23 Referred to Committee on Transportation ..... 395
Jan. 30 Notice of hearing (2/24) ..... 493
Feb. 26 Indefinitely postponed ..... 785

**LEGISLATIVE BILL 1270. By Bromm, Raikes, Wickersham**

Jan. 21 Read first time ..... 366
Jan. 23 Referred to Committee on Education ..... 395
Feb. 10 Notice of hearing (2/17) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1271. By Landis**

Jan. 21 Read first time ..... 366
Jan. 23 Referred to Committee on Health and Human Services ..... 395
Jan. 27 Notice of hearing (2/18) ..... 436
Mar. 2 Placed on General File ..... 853
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1272. By Landis**

Jan. 21 Read first time ..... 366
Jan. 23 Referred to Committee on Health and Human Services ..... 395
Jan. 27 Notice of hearing (2/18) ..... 436
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1273. By Crosby**

Jan. 21 Read first time ..... 366
Jan. 23 Referred to Committee on Judiciary ..... 395
Jan. 28 Notice of hearing (2/20) ..... 455
Mar. 2 Placed on General File - Com AM3393 ..... 843
Mar. 6 Will motion to indefinitely postpone printed ..... 945
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1274. By Vrtiska**

Jan. 22 Read first time ..... 370
Jan. 26 Referred to Committee on Judiciary ..... 412
Jan. 28 Notice of hearing (2/5) ..... 455
Feb. 17 Placed on General File - Com AM3149 ..... 656
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1275. By Vrtiska**

Jan. 22 Read first time ..... 370
Jan. 26 Referred to Committee on Judiciary ..... 412
Jan. 28 Notice of hearing (2/11) ..... 455
Feb. 18 Placed on General File ..... 674
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1276. By Kiel**

Jan. 22 Read first time ..... 371
Jan. 26 Referred to Committee on Education ..... 412
Feb. 3 Notice of hearing (2/10) ..... 517
Feb. 25 Dw. Pedersen name added ..... 778
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1277. By Kiel**

Jan. 22 Read first time ..... 371
Jan. 26 Referred to Committee on Banking, Commerce and Insurance ..... 412
Feb. 9 Notice of hearing (2/23) ..... 563
Feb. 26 Indefinitely postponed ..... 785

**LEGISLATIVE BILL 1278. By Engel, Beutler, Bohlke, Bromm, Bruning, Coordsen, Kiel, Landis, D. Pederson, Schmitt, Schrock, Stuhr, Willhoft**

Jan. 22 Read first time ..... 371
Jan. 26 Referred to Committee on Natural Resources ..... 412
Jan. 28 Preister name added ..... 460

Feb. 4 Notice of hearing (2/11) ..... 533
Mar. 17 Indefinitely postponed ..... 1075

**LEGISLATIVE BILL 1279. By Hilgert**

Jan. 22 Read first time ..... 371
Jan. 26 Referred to Committee on Transportation ..... 412
Jan. 26 Notice of hearing (2/2) ..... 416
Feb. 9 Placed on General File ..... 559
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1280. By Raikes**

Jan. 22 Read first time ..... 371
Jan. 26 Referred to Committee on Education ..... 412
Feb. 10 Notice of hearing (2/17) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1281. By Vrtiska**

Jan. 22 Read first time ..... 373
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs ..... 412
Feb. 5 Notice of hearing (2/12) ..... 542
Feb. 9 Vrtiska AM3058 printed ..... 564
Feb. 20 Government, Military and Veterans Affairs Committee priority bill ..... 720
Feb. 25 Placed on General File - Com AM3058 ..... 769
Mar. 6 Will motion to indefinitely postpone printed ..... 946
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1282. By Beutler**

Jan. 22 Read first time ..... 373
Jan. 26 Referred to Committee on Banking, Commerce and Insurance ..... 412
Feb. 2 Notice of hearing (2/10) ..... 506
Feb. 12 Placed on General File ..... 625
Mar. 5 Chambers motion to bracket until 4/14/98 printed. Chambers motion to indefinitely postpone printed ..... 937
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1283. By Beutler**

Jan. 22 Read first time ..... 373
Jan. 26 Referred to Committee on Judiciary ..... 412
Jan. 28 Notice of hearing (2/4) ..... 455
Feb. 11 Indefinitely postponed ..... 599

**LEGISLATIVE BILL 1284. By Beutler**

Jan. 22 Read first time ..... 373
Jan. 26 Referred to Committee on Natural Resources ..... 412
Feb. 4 Notice of hearing (2/12) ..... 533
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1285. By Bohlke, Wehrbein**

Jan. 22 Read first time ..... 374
Jan. 26 Referred to Committee on Education ..... 412
Jan. 27 Notice of hearing (2/3) ..... 430
Jan. 29 Wehrbein name withdrawn ..... 478
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1286. By Hartnett**

Jan. 22 Read first time ..... 374
Jan. 26 Referred to Committee on Revenue ..... 412
Feb. 2 Notice of hearing (2/20) ..... 506
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1287. By Hartnett**

Jan. 22 Read first time ..... 374
Jan. 26 Referred to Committee on Transportation ..... 412
Jan. 26 Notice of hearing (2/2) ..... 416
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1288. By Hartnett**

Jan. 22 Read first time ..... 374
Jan. 26 Referred to Committee on Urban Affairs ..... 412
Jan. 27 Notice of hearing (2/10) ..... 435
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1289. By Hartnett**

Jan. 22 Read first time ..... 374
Jan. 26 Referred to Committee on Revenue ..... 412
Jan. 28 Notice of hearing (2/11) ..... 451
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1290. By Hartnett**

Jan. 22 Read first time ..... 374
Jan. 26 Referred to Committee on Revenue ..... 412
Feb. 2 Willhoft name added ..... 508

Feb. 2 Notice of hearing (2/19) ..... 506
Mar. 17 Placed on General File - Com AM3637 ..... 1107
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1291. By Hartnett**

Jan. 22 Read first time ..... 375
Jan. 26 Referred to Committee on Revenue ..... 412
Feb. 2 Notice of hearing (2/20) ..... 506
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1292. By Lynch**

Jan. 22 Read first time ..... 375
Jan. 26 Referred to Committee on Revenue ..... 412
Jan. 30 Preister name added ..... 494
Feb. 2 Notice of hearing (2/26) ..... 506
Mar. 4 Indefinitely postponed ..... 908

**LEGISLATIVE BILL 1293. By Hartnett, Abboud, Janssen**

Jan. 22 Read first time ..... 375
Jan. 23 Engel name added ..... 409
Jan. 26 Referred to Committee on Urban Affairs ..... 412
Jan. 27 Notice of hearing (2/3) ..... 435
Feb. 9 Hartnett priority bill ..... 561
Mar. 24 Placed on General File - Com AM3994 (printed separate) ..... 1318
Apr. 2 Hartnett AM4381 to Com AM3994 printed ..... 1703
Apr. 6 Com AM3994 p. 1318 adopted as amended by Hartnett pending AM4381 p. 1703. Advanced for Review ..... 1742
Apr. 7 Placed on Select File - AM7260 (printed separate) ..... 1783
Apr. 7 Hartnett AM4493 to AM7260 printed ..... 1824
Apr. 7 Hartnett AM4494 to AM7260 printed ..... 1825
Apr. 8 AM7260 (E & R) adopted. Hartnett pending AM4493 p. 1824 and AM4494 p. 1825 adopted. Abboud AM4491 to AM7260 lost. Advanced for Engrossment ..... 1846
Apr. 8 Correctly Engrossed ..... 1863
Apr. 8 ER9165 change ..... 1864
Apr. 14 Dispensing of reading at large approved. Final Reading w/E 44-3-2 ..... 1960
Apr. 14 President signed ..... 1963
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Returned by Governor without approval (4/18) ..... 1987

**LEGISLATIVE BILL 1293A. By Hartnett**

Mar. 31 Read first time.
Placed on General File ..... 1568
Apr. 2 Hartnett AM4382 printed ..... 1708
Apr. 6 Hartnett pending AM4382 p. 1708
adopted. Advanced for Review ..... 1742
Apr. 7 Placed on Select File ..... 1783
Apr. 8 Advanced for Engrossment ..... 1848
Apr. 8 Correctly Engrossed ..... 1863
Apr. 14 Final Reading w/E 44-3-2 ..... 1961
Apr. 14 President signed ..... 1963
Apr. 14 Presented to Governor (4/14) ..... 1972
Apr. 20 Returned by Governor without approval (4/18) ..... 1987

**LEGISLATIVE BILL 1294. By Bromm, Coordsen, Engel, Jensen**

Jan. 22 Read first time ..... 375
Jan. 26 Referred to Committee on Business and Labor ..... 412
Jan. 28 Notice of hearing (2/9) ..... 450
Feb. 10 Indefinitely postponed ..... 577

**LEGISLATIVE BILL 1295. By Jensen**

Jan. 22 Read first time ..... 375
Jan. 26 Referred to Committee on Government,
Military and Veterans Affairs ..... 412
Jan. 29 Notice of hearing (2/5) ..... 461
Feb. 23 Placed on General File ..... 737
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1296. By Schellpeper**

Jan. 22 Read first time ..... 375
Jan. 26 Referred to Committee on Revenue ..... 412
Feb. 2 Notice of hearing (2/25) ..... 506
Mar. 4 Indefinitely postponed ..... 908

**LEGISLATIVE BILL 1297. By Kristensen**

Jan. 22 Read first time ..... 375
Jan. 26 Referred to Committee on Transportation ..... 412
Jan. 30 Notice of hearing (2/23) ..... 493
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1298. By Kristensen**

Jan. 22 Read first time ..... 376
Jan. 26 Referred to Committee on Revenue ..... 412
Feb. 2 Notice of hearing (2/12) ..... 505
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1299. By Bromm, Elmer, Matzke, Dw. Pedersen, Robinson, Thompson**

Jan. 22 Read first time ..... 376
Jan. 26 Referred to Committee on Judiciary ..... 412
Jan. 28 Notice of hearing (2/4) ..... 455
Feb. 17 Placed on General File ..... 654
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1300. By Witek**

Jan. 22 Read first time ..... 376
Jan. 26 Referred to Committee on Education ..... 412
Jan. 26 Notice of hearing (2/2) ..... 416
Jan. 28 Dw. Pedersen name added ..... 460
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1301. By Bohlke**

Jan. 22 Read first time ..... 376
Jan. 26 Referred to Committee on Education ..... 412
Feb. 10 Notice of hearing (2/17) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1302. By Bohlke**

Jan. 22 Read first time ..... 376
Jan. 26 Referred to Committee on Education ..... 412
Jan. 27 Notice of hearing (2/3) ..... 430
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1303. By Bohlke**

Jan. 22 Read first time ..... 376
Jan. 26 Referred to Committee on Education ..... 412
Feb. 10 Notice of hearing (2/24) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1304. By Bohlke**

Jan. 22 Read first time ..... 377
Jan. 26 Referred to Committee on Education ..... 412
Feb. 10 Notice of hearing (2/23) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1305. By Bohlke**

Jan. 22 Read first time ..... 377
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs ..... 412
Feb. 5 Notice of hearing (2/13) ..... 542
Feb. 23 Indefinitely postponed ..... 737

**LEGISLATIVE BILL 1306. By Landis**

Jan. 22 Read first time ..... 377
Jan. 26 Referred to Committee on Transportation ..... 412
Jan. 27 Notice of hearing (2/3) ..... 435
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1307. By Landis**

Jan. 22 Read first time ..... 377
Jan. 26 Referred to Committee on Banking, Commerce and Insurance ..... 412
Feb. 9 Notice of hearing (2/23) ..... 563
Feb. 26 Indefinitely postponed ..... 785
(Provisions/portions of LB 1307 amended into LB 1321 by FA733)

**LEGISLATIVE BILL 1308. By Brashear**

Jan. 22 Read first time ..... 377
Jan. 26 Referred to Committee on Judiciary ..... 412
Jan. 28 Notice of hearing (2/13) ..... 455
Mar. 3 Placed on General File - Com AM3306 ..... 880
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1309. By Brashear**

Jan. 22 Read first time ..... 377
Jan. 26 Referred to Committee on Judiciary ..... 412
Jan. 29 Notice of hearing (2/25) ..... 469
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1310. By Tyson**

Jan. 22 Read first time ..... 377
Jan. 26 Referred to Committee on Natural Resources ..... 412
Feb. 18 Notice of hearing (2/25) ..... 676
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1311. By Tyson**

Jan. 22 Read first time ..... 378
Jan. 26 Referred to Committee on Revenue ..... 412

Jan. 28 Notice of hearing (2/11) ..... 451
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE BILL 1312. By Beutler**

Jan. 22 Read first time ..... 378
Jan. 26 Referred to Committee on Transportation ..... 412
Jan. 30 Notice of hearing (2/24) ..... 493
Feb. 26 Indefinitely postponed ..... 785

**LEGISLATIVE BILL 1313. By Nebraska Retirement Systems Committee**

Jan. 22 Read first time ..... 379
Jan. 26 Referred to Committee on Nebraska Retirement Systems ..... 412
Feb. 13 Notice of hearing (2/24) ..... 643
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1314. By Bohlke, Bromm, Elmer**

Jan. 22 Read first time ..... 380
Jan. 26 Referred to Committee on Education ..... 413
Feb. 3 Notice of hearing (2/10) ..... 517
Feb. 4 Notice of hearing (2/10) (cancel) ..... 529
Feb. 10 Notice of hearing (2/23) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1315. By Lynch**

Jan. 22 Read first time ..... 380
Jan. 26 Referred to Committee on Banking, Commerce and Insurance ..... 413
Feb. 2 Notice of hearing (2/9) ..... 506
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1316. By Cudaback**

Jan. 22 Read first time ..... 380
Jan. 26 Referred to Committee on Transportation ..... 413
Jan. 26 Notice of hearing (2/2) ..... 416
Feb. 5 Indefinitely postponed ..... 541

**LEGISLATIVE BILL 1317. By Robak**

Jan. 22 Read first time ..... 380
Jan. 26 Referred to Committee on Judiciary ..... 413
Jan. 28 Notice of hearing (2/5) ..... 455
Jan. 29 Notice of hearing (2/5) (cancel) ..... 469

Jan. 29 Notice of hearing (2/25) (reset) ..... 469
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1318. By Bromm, Kristensen, D. Pederson**

Jan. 22 Read first time ..... 380
Jan. 26 Referred to Committee on Banking, Commerce and Insurance ..... 413
Feb. 9 Notice of hearing (2/24) ..... 563
Feb. 27 Placed on General File - Com AM3317 ..... 815
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1319. By Robinson, Bruning**

Jan. 22 Read first time ..... 380
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs ..... 413
Jan. 29 Notice of hearing (2/5) ..... 461
Feb. 23 Placed on General File ..... 737
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1320. By Landis**

Jan. 22 Read first time ..... 381
Jan. 26 Referred to Committee on Banking, Commerce and Insurance ..... 413
Feb. 9 Notice of hearing (2/23) ..... 563
Feb. 26 Indefinitely postponed ..... 785

**LEGISLATIVE BILL 1321. By Landis**

Jan. 22 Read first time ..... 381
Jan. 26 Referred to Committee on Banking, Commerce and Insurance ..... 413
Feb. 9 Notice of hearing (2/23) ..... 563
Feb. 17 Banking, Commerce and Insurance Committee priority bill ..... 661
Mar. 11 Placed on General File - Com AM3418 (printed separate) ..... 1020
Apr. 2 Chair sustained request for division of question on Com AM3418 p. 1020. Com FA733 (1st) adopted. Com FA734 (2nd) lost. Advanced for Review ..... 1704
Apr. 6 Placed on Select File - AM7256 (printed separate) ..... 1745
Apr. 6 Landis AM4460 to AM7256 printed ..... 1773
Apr. 7 Brashear AM4384 printed ..... 1838
Apr. 8 AM7256 (E & R) adopted. Landis pending AM4460 p. 1773 and Brashear pending AM4384 p. 1838

adopted. Advanced for Engrossment ..... 1851
Apr. 8 Correctly Engrossed ..... 1892
Apr. 8 ER9164 change ..... 1894
Apr. 14 Dispensing of reading at large approved.
Final Reading w/E 49-0-0 ..... 1962
Apr. 14 President signed ..... 1970
Apr. 14 Presented to Governor (4/14) ..... 1974
Apr. 20 Approved by Governor (4/18) ..... 1986
(Provisions/portions of LB 739 amended into LB 1321 by FA733)
(Provisions/portions of LB 932 amended into LB 1321 by AM4460)
(Provisions/portions or LB 1034 amended into LB 1321 by FA733)
(Provisions/portions of LB 1128 amended into LB 1321 by AM4384)
(Provisions/portions of LB 1145 amended into LB 1321 by FA733)
(Provisions/portions of LB 1178 amended into LB 1321 by AM4460)
(Provisions/portions of LB 1237 amended into LB 1321 by FA733)
(Provisions/portions of LB 1238 amended into LB 1321 by FA733)
(Provisions/portions of LB 1307 amended into LB 1321 by FA733)

**LEGISLATIVE BILL 1321A. By Landis**

Mar. 31 Read first time.
Placed on General File ..... 1568
Apr. 2 Advanced for Review ..... 1705
Apr. 6 Placed on Select File ..... 1745
Apr. 8 Advanced for Engrossment ..... 1851
Apr. 8 Correctly Engrossed ..... 1892
Apr. 14 Final Reading w/E 48-0-1 ..... 1963
Apr. 14 President signed ..... 1970
Apr. 14 Presented to Governor (4/14) ..... 1974
Apr. 20 Approved by Governor (4/18) ..... 1986

**LEGISLATIVE BILL 1322. By Schrock**

Jan. 22 Read first time ..... 381
Jan. 26 Referred to Committee on Natural Resources ..... 413
Feb. 4 Notice of hearing (2/12) ..... 533
Mar. 24 Indefinitely postponed ..... 1290

**LEGISLATIVE BILL 1323. By Wesely**

Jan. 22 Read first time ..... 381
Jan. 26 Referred to Committee on Appropriations ..... 413
Jan. 26 Notice of hearing (2/2) ..... 423
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1324. By Wesely**

Jan. 22 Read first time ..... 381
Jan. 26 Referred to Committee on Health and

Human Services ..... 413
Jan. 27 Notice of hearing (2/12) ..... 436
Feb. 26 Placed on General File - Com AM3185 ..... 780
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1324 amended into LB 1070 by AM4094)

**LEGISLATIVE BILL 1325. By Schrock, Jensen**

Jan. 22 Read first time ..... 381
Jan. 26 Referred to Committee on Transportation ..... 413
Jan. 27 Notice of hearing (2/3) ..... 435
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1326. By Elmer**

Jan. 22 Read first time ..... 382
Jan. 26 Referred to Committee on Natural Resources ..... 413
Feb. 11 Notice of hearing (2/19) ..... 597
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1327. By Hartnett, Brown, Janssen, Jensen, Dw. Pedersen, D. Pederson, Raikes, Schellpeper, Will**

Jan. 22 Read first time ..... 382
Jan. 23 Maurstad name added ..... 410
Jan. 26 Referred to Committee on Revenue ..... 413
Jan. 28 Notice of hearing (2/4) ..... 451
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1328. By Wickersham, Matzke, D. Pederson**

Jan. 22 Read first time ..... 382
Jan. 26 Referred to Committee on Education ..... 413
Feb. 10 Notice of hearing (2/23) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1329. By Landis**

Jan. 22 Read first time ..... 382
Jan. 26 Referred to Committee on Revenue ..... 413
Feb. 2 Notice of hearing (2/27) ..... 506
Mar. 11 Indefinitely postponed ..... 1016

**LEGISLATIVE BILL 1330. By Hillman, Engel, Matzke, Maurstad, Schellpeper, Schrock, Tyson**

Jan. 22 Read first time ..... 382
Jan. 26 Referred to Committee on Government,

Military and Veterans Affairs ..... 413
Feb. 5 Notice of hearing (2/13) ..... 542
Feb. 25 Placed on General File - Com AM3304 ..... 770
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1331. By Dierks, Coordsen, Schmitt, Tyson, Vrtiska**

Jan. 22 Read first time ..... 382
Jan. 26 Referred to Committee on Education ..... 413
Jan. 26 Jones name added ..... 426
Feb. 10 Notice of hearing (2/17) ..... 576
Feb. 11 Notice of hearing (2/17) (cancel)
Notice of hearing (2/23) (reset) ..... 597
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1332. By Dierks**

Jan. 22 Read first time ..... 383
Jan. 26 Referred to Committee on Government,
Military and Veterans Affairs ..... 413
Jan. 28 Notice of hearing (2/4) ..... 450
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1333. By Revenue Committee, Kristensen**

Jan. 22 Read first time ..... 383
Jan. 26 Referred to Committee on Revenue ..... 413
Jan. 28 Notice of hearing (2/5) ..... 451
Feb. 3 Revenue Committee priority bill ..... 517
Feb. 18 Placed on General File - Com AM3177
(printed separate) ..... 675
Mar. 5 Coordsen-Hartnett-Wickersham-Raikes-
Schellpeper AM3487 to Com AM3177 printed ..... 920
Mar. 9 Com AM3177 p. 675 adopted as amended by
Coordsen et al. pending AM3487 p. 920.
Advanced for Review ..... 961
Mar. 11 Placed on Select File - AM7220 ..... 1005
Mar. 25 AM7220 (E & R) adopted.
Advanced for Engrossment ..... 1372
Mar. 31 Correctly Engrossed ..... 1562
Apr. 1 Chambers FA723 printed ..... 1670
Apr. 2 Chambers pending FA723 p. 1670 withdrawn ..... 1677
Apr. 2 Dispensing of reading at large approved.
Final Reading 46-0-3 ..... 1686
Apr. 2 Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 2 Willhoft explanation of vote ..... 1708
Apr. 8 Approved by Governor (4/8) ..... 1874

**LEGISLATIVE BILL 1333A. By Coordsen**

Mar. 5 Read first time.
Placed on General File ..... 922
Mar. 9 Advanced for Review ..... 961
Mar. 11 Placed on Select File ..... 1006
Mar. 25 Advanced for Engrossment ..... 1372
Mar. 31 Correctly Engrossed ..... 1562
Apr. 1 Chambers FA724 printed ..... 1670
Apr. 2 Chambers pending FA724 p. 1670 withdrawn ..... 1677
Apr. 2 Final Reading 45-0-4
Speaker signed ..... 1687
Apr. 2 Presented to Governor (4/2) ..... 1700
Apr. 2 Willhoft explanation of vote ..... 1708
Apr. 8 Approved by Governor (4/8) ..... 1874

**LEGISLATIVE BILL 1334. By Hilgert**

Jan. 22 Read first time ..... 385
Jan. 26 Referred to Committee on Business and Labor ..... 413
Jan. 28 Notice of hearing (2/9) ..... 450
Feb. 10 Placed on General File - Com AM3043 ..... 577
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1335. By Bohlke**

Jan. 22 Read first time ..... 385
Jan. 26 Referred to Committee on Education ..... 413
Feb. 10 Notice of hearing (2/23) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1336. By Bohlke, Wickersham**

Jan. 22 Read first time ..... 385
Jan. 26 Referred to Committee on Education ..... 413
Jan. 26 Notice of hearing (2/2) ..... 416
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1336 amended into LB 1228 by FA548)
(Provisions/portions of LB 1336 amended into LB 1228 by FA549)

**LEGISLATIVE BILL 1337. By Thompson, Hillman, Dw. Pedersen, C. Peterson, Suttle**

Jan. 22 Read first time ..... 385
Jan. 26 Referred to Committee on Judiciary ..... 413
Jan. 29 Rereferred to Committee on Health and
Human Services ..... 477
Feb. 4 Notice of hearing (2/12) ..... 529
Feb. 19 Placed on General File ..... 700

Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1337 amended into LB 1073 by AM4141)

**LEGISLATIVE BILL 1338. By Thompson, Bruning, Hartnett, Dw. Pedersen**

Jan. 22 Read first time ..... 385
Jan. 26 Referred to Committee on Urban Affairs ..... 413
Jan. 27 Notice of hearing (2/3) ..... 435
Feb. 18 Placed on General File - Com AM3173 ..... 670
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1339. By Thompson**

Jan. 22 Read first time ..... 385
Jan. 26 Referred to Committee on Health and Human Services ..... 413
Jan. 27 Notice of hearing (2/13) ..... 436
Mar. 2 Placed on General File - Com AM3128 (printed separate) ..... 853
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1339 amended into LB 1073 by AM3704)
(Provisions/portions of LB 1339 amended into LB 1073 by AM3612)

**LEGISLATIVE BILL 1340. By Hudkins**

Jan. 22 Read first time ..... 385
Jan. 26 Referred to Committee on Urban Affairs ..... 413
Jan. 27 Notice of hearing (2/10) ..... 435
Feb. 3 Notice of hearing (2/10) (cancel) Notice of hearing (2/24) (reset) ..... 517
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1341. By Maurstad**

Jan. 22 Read first time ..... 385
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs ..... 413
Feb. 5 Notice of hearing (2/12) ..... 542
Feb. 23 Indefinitely postponed ..... 737

**LEGISLATIVE BILL 1342. By Bromm**

Jan. 22 Read first time ..... 386
Jan. 26 Referred to Committee on Education ..... 413
Feb. 3 Notice of hearing (2/10) ..... 517
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1343. By Witek**

Jan. 22 Read first time ..... 386
Jan. 26 Referred to Committee on Education ..... 413
Jan. 26 Notice of hearing (2/2) ..... 416
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1344. By Thompson, Hilgert, Kiel, Suttle**

Jan. 22 Read first time ..... 386
Jan. 26 Referred to Committee on Education ..... 413
Feb. 10 Notice of hearing (2/24) ..... 576
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LB 1344 amended into LB 1175 by AM4003)
(Provisions/portions of LB 1344 amended into LB 1175 by AM4314)

**LEGISLATIVE BILL 1345. By Hartnett**

Jan. 22 Read first time ..... 386
Jan. 26 Referred to Committee on Education ..... 413
Jan. 27 Notice of hearing (2/9) ..... 431
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1346. By Urban Affairs Committee**

Jan. 22 Read first time ..... 386
Jan. 26 Referred to Committee on Urban Affairs ..... 413
Jan. 27 Notice of hearing (2/3) ..... 435
Feb. 18 Placed on General File - Com AM3172 ..... 670
Feb. 23 Speaker priority bill ..... 744
Mar. 31 Com AM3172 p. 670 adopted.
Advanced for Review ..... 1582
Apr. 1 Placed on Select File - AM7245 ..... 1665
Apr. 7 AM7245 (E & R) adopted.
Advanced for Engrossment ..... 1823
Apr. 8 Correctly Engrossed ..... 1843
Apr. 14 Final Reading 47-0-2 ..... 1964
Apr. 14 President signed ..... 1970
Apr. 14 Presented to Governor (4/14) ..... 1974
Apr. 20 Approved by Governor (4/18) ..... 1986

**LEGISLATIVE BILL 1347. By Urban Affairs Committee**

Jan. 22 Read first time ..... 387
Jan. 26 Referred to Committee on Urban Affairs ..... 413
Jan. 27 Notice of hearing (2/10) ..... 435
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1348. By Urban Affairs Committee**

Jan. 22 Read first time ..... 387
Jan. 26 Referred to Committee on Urban Affairs ..... 413
Jan. 27 Notice of hearing (2/10) ..... 435
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1349. By Brashear**

Jan. 22 Read first time ..... 387
Jan. 26 Referred to Committee on Judiciary ..... 413
Jan. 29 Notice of hearing (2/25) ..... 469
Feb. 23 Attorney General's Opinion #98014 to Brashear ..... 726
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1350. By Will**

Jan. 22 Read first time ..... 387
Jan. 26 Referred to Committee on Education ..... 413
Feb. 12 Notice of hearing (2/24) ..... 607
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1351. By Will**

Jan. 22 Read first time ..... 387
Jan. 26 Referred to Committee on General Affairs ..... 413
Jan. 30 Notice of hearing (2/9) ..... 489
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1352. By Hudkins**

Jan. 22 Read first time ..... 387
Jan. 26 Referred to Committee on Education ..... 413
Feb. 10 Notice of hearing (2/17) ..... 576
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1353. By Maurstad, Brashear, Brown, Engel, Hillman, Kristensen, Matzke, Dw. Pedersen, D. Pederson, C. Peterson, Robinson, Tyson, Wehrbein**

Jan. 22 Read first time ..... 388
Jan. 26 Referred to Committee on Judiciary ..... 413
Jan. 28 Notice of hearing (2/19) ..... 455
Mar. 2 Placed on General File - Com AM3390 (printed separate) ..... 844
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1354. By Wesely, Tyson**

Jan. 22 Read first time ..... 388
Jan. 22 Bohlke name added ..... 391
Jan. 26 Referred to Committee on Health and Human Services ..... 413
Jan. 27 Notice of hearing (2/5) ..... 435
Feb. 20 Health and Human Services Committee priority bill ..... 720
Mar. 3 Placed on General File - Com AM3466 (printed separate) ..... 882
Mar. 19 Wesely-Jensen-Tyson-Matzke-Dierks-Suttle-Bohlke-Thompson-Schimek AM3957 to Com AM3466 printed ..... 1205
Mar. 31 Wesely AM4291 to Com AM3466 printed ..... 1597
Apr. 2 Com AM3466 p. 882 adopted as amended by Wesely et al. pending AM3957 p. 1205, Wesely pending AM4291 p. 1597, and Maurstad FA735. Wesely-Robak FA736 to AM3957 adopted. Advanced for Review ..... 1693
Apr. 2 Stuhr AM4386 printed ..... 1708
Apr. 2 Robak name added ..... 1710
Apr. 6 Placed on Select File - AM7254 (printed separate) ..... 1729
Apr. 7 Crosby AM4472 to AM7254 printed ..... 1835
Apr. 8 AM7254 (E & R) adopted. Stuhr pending AM4386 p. 1708 and Crosby pending AM4472 p. 1835 withdrawn. Advanced for Engrossment ..... 1850
Apr. 8 Correctly Engrossed ..... 1892
Apr. 14 Dispensing of reading at large approved. Final Reading w/E 46-1-2 ..... 1964
Apr. 14 President signed ..... 1970
Apr. 14 Presented to Governor (4/14) ..... 1974
Apr. 20 Approved by Governor (4/18) ..... 1986
(Provisions/portions of LB 783 amended into LB 1354 by AM3466)
(Provisions/portions of LB 1244 amended into LB 1354 by AM3466)

**LEGISLATIVE BILL 1354A. By Wesely**

Apr. 1 Read first time. Placed on General File ..... 1653
Apr. 2 Advanced for Review ..... 1694
Apr. 6 Placed on Select File ..... 1729
Apr. 6 Wesely AM4463 printed ..... 1762
Apr. 8 Wesely pending AM4463 p. 1762 adopted. Advanced for Engrossment ..... 1851
Apr. 8 Correctly Engrossed ..... 1892
Apr. 14 Final Reading 44-1-4 ..... 1965
Apr. 14 President signed ..... 1970
Apr. 14 Presented to Governor (4/14) ..... 1974
Apr. 20 Approved by Governor (4/18) ..... 1986

**LEGISLATIVE BILL 1355. By Bohlke, Beutler, Bromm**

Jan. 22 Read first time ..... 388
Jan. 23 Beutler motion to suspend rules in order to schedule hearing printed ..... 404
Jan. 26 Referred to Committee on Natural Resources ..... 413
Jan. 26 Beutler pending motion p. 404 to suspend rules to schedule hearing prevailed ..... 414
Jan. 26 Notice of hearing (1/30) ..... 416
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1356. By Dw. Pedersen**

Jan. 22 Read first time ..... 388
Jan. 26 Referred to Committee on Judiciary ..... 413
Jan. 28 Notice of hearing (2/19) ..... 455
Mar. 2 Placed on General File - Com AM3391 ..... 844
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1357. By Abboud, Jensen**

Jan. 22 Read first time ..... 388
Jan. 26 Referred to Committee on Government, Military and Veterans Affairs ..... 413
Jan. 28 Notice of hearing (2/4) ..... 450
Feb. 23 Indefinitely postponed ..... 737

**LEGISLATIVE BILL 1358. By Landis**

Jan. 22 Read first time ..... 389
Jan. 26 Referred to Committee on Transportation ..... 413
Jan. 30 Notice of hearing (2/23) ..... 493
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1359. By Elmer, Stuhr**

Jan. 22 Read first time ..... 389
Jan. 26 Referred to Committee on Education ..... 413
Feb. 3 Notice of hearing (2/10) ..... 517
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1360. By Dw. Pedersen, Crosby, Dierks, Engel, Hilgert, Jensen, Witek**

Jan. 22 Read first time ..... 389
Jan. 26 Referred to Committee on Education ..... 413
Feb. 10 Notice of hearing (2/24) ..... 576
Apr. 14 Brashear name added ..... 1973
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE BILL 1361. By Maurstad**


Jan. 22 Read first time ..... 389
Jan. 26 Referred to Committee on Revenue ..... 413
Feb. 2 Notice of hearing (2/20) ..... 506
Mar. 4 Indefinitely postponed ..... 908


**LEGISLATIVE BILL 1362. By Business and Labor Committee**


Feb. 10 Abboud motion to permit introduction of bill printed ..... 584
Feb. 11 Abboud pending motion p. 584 to permit introduction of bill prevailed. Read first time ..... 617
Feb. 13 Referred to Committee on Business and Labor ..... 643
Feb. 25 Abboud motion to suspend rules to hold hearing printed ..... 778
Feb. 26 Abboud pending motion p. 778 to suspend rules to hold hearing prevailed ..... 799
Feb. 27 Notice of hearing (3/2) ..... 806
Mar. 5 Placed on General File - Com AM3516 ..... 923
Mar. 12 Chair sustained request for division of question on Com AM3516 p. 923. Com FA585 (1st) lost. Com FA584 (2nd) adopted. Advanced for Review ..... 1034
Mar. 17 Placed on Select File - AM7229 ..... 1104
Mar. 19 AM7229 (E & R) adopted. Advanced for Engrossment ..... 1164
Mar. 20 Correctly Engrossed ..... 1228
Mar. 20 ER9133 change ..... 1229
Mar. 31 Abboud AM4313 printed ..... 1611
Apr. 8 Returned to Select File for Abboud pending AM4313 p. 1611. Abboud AM4313 adopted. Advanced for Reengrossment ..... 1861
Apr. 8 Correctly Reengrossed ..... 1892
Apr. 14 Final Reading w/E 47-0-2 ..... 1966
Apr. 14 President signed ..... 1970
Apr. 14 Presented to Governor (4/14) ..... 1974
Apr. 20 Approved by Governor (4/18) ..... 1986


**LEGISLATIVE BILL 1363. By Business and Labor Committee**


Feb. 10 Abboud motion to permit introduction of bill printed ..... 584
Feb. 11 Abboud pending motion p. 584 to permit introduction of bill prevailed.

Read first time ..... 617
Feb. 13 Referred to Committee on Business and Labor ..... 643
Feb. 25 Abboud motion to suspend rules to hold hearing printed ..... 778
Feb. 26 Abboud pending motion p. 778 to suspend rules to hold hearing prevailed ..... 799
Feb. 27 Notice of hearing (3/2) ..... 806
Mar. 6 Indefinitely postponed ..... 943

## CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

### NINETY-FIFTH LEGISLATURE
### SECOND SESSION
### 1998

**LEGISLATIVE RESOLUTION 1. By Withem**

Jan. 7 Title ..... 59
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 2CA. By Coordsen**

Jan. 7 Title ..... 59
Jan. 30 Indefinitely postponed ..... 479

**LEGISLATIVE RESOLUTION 3. By Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek**

Jan. 7 Title ..... 59
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 5CA. By Stuhr, Janssen, Robinson, Schrock, Vrtiska, Witek**

Jan. 7 Title ..... 60
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 6CA. By Robinson, Bohlke**

Jan. 7 Title ..... 61
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 7CA. By Schimek, Kristensen, Warner**

Jan. 7 Title ..... 62
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 12CA. By Warner, Kristensen, Withem**

Jan. 7 Title ..... 63
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 13CA. By Warner, Kristensen, Withem**

Jan. 7 Title ..... 65
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 14CA. By Warner, Kristensen, Withem**

Jan. 7 Title ..... 66
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 15CA. By Kristensen, Warner, Withem, Schimek**

Jan. 7 Title ..... 67
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 16CA. By Kristensen, Warner, Withem**

Jan. 7 Title ..... 67
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 18CA. By Kristensen, Warner, Withem**

Jan. 7 Title ..... 68
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 19CA. By Kristensen, Warner, Withem**

Jan. 7 Title ..... 69
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 23CA. By Withem**

Jan. 7 Title ..... 69
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 24CA. By Kristensen, Warner**

Jan. 7 Title ..... 70
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 25CA. By Kristensen, Warner, Withem**

Jan. 7 Title ..... 71
Feb. 20 Executive Board Committee priority resolution ..... 712
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 27CA. By Withem, Kristensen, Warner**

Jan. 7 Title ..... 71
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 28CA. By Withem, Kristensen, Warner**

Jan. 7 Title ..... 72
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 29CA. By Withem, Kristensen, Warner**

Jan. 7 Title ..... 72
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 31CA. By Brown, Engel, Warner**

Jan. 7 Title ..... 73
Jan. 30 Indefinitely postponed ..... 488

**LEGISLATIVE RESOLUTION 36CA. By Withem, Kristensen, Warner**

Jan. 7 Title ..... 73
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 37. By Kristensen**

Jan. 7 Title ..... 74
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 38CA. By Kristensen, Warner, Withem**

Jan. 7 Title ..... 75
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 41CA. By Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem**

Jan. 7 Title ..... 76
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 42CA. By Warner, Kristensen, Withem**

Jan. 7 Title ..... 77
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 43CA. By Warner, Kristensen, Withem**

Jan. 7 Title ..... 77
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 44CA. By Warner**

Jan. 7 Title ..... 79
Jan. 30 Indefinitely postponed ..... 488

**LEGISLATIVE RESOLUTION 45CA. By Revenue Committee, Maurstad**

Jan. 7 Title ..... 79
Jan. 26 Placed on General File - Com AM2848 ..... 420
Feb. 4 Schimek priority resolution ..... 539
Feb. 5 Maurstad AM2957 printed ..... 556
Feb. 5 Maurstad AM2958 and AM2956 printed ..... 557
Feb. 25 Com AM2848 p. 420 adopted as amended by Chambers FA528 ..... 767
Feb. 25 Maurstad pending AM2957 p. 556 lost. Chambers FA530 to AM2957 withdrawn ..... 770
Feb. 25 Beutler FA529 printed ..... 777
Feb. 26 Revenue Committee AM3358 printed ..... 802
Feb. 27 Maurstad pending AM2958 p. 557 withdrawn. Chair sustained request for division of question on Maurstad pending AM2956 p. 557. Maurstad FA527 (1st) pending ..... 813
Feb. 27 Maurstad pending FA527 (1st) p. 813 lost ..... 814
Feb. 27 Maurstad AM3314 printed ..... 825
Mar. 2 Maurstad FA526 (2nd) withdrawn. Beutler pending FA529 p. 777 withdrawn. Revenue

Committee pending AM3358 p. 802 pending ..... 832
Mar. 2 Chambers-Wickersham FA536 to AM3358 printed ..... 838
Mar. 2 Chambers FA534 printed ..... 844
Mar. 2 Chambers FA537 and FA538 to AM3358 printed ..... 846
Mar. 2 Maurstad name withdrawn ..... 848
Mar. 3 Wickersham-Schellpeper-Hartnett-Schimek AM3486 to AM3358 printed ..... 893
Mar. 4 Wickersham unanimous consent to replace Chambers-Wickersham pending FA536 p. 838 with substitute amendment. No objections. Chambers-Wickersham FA536 withdrawn. Wickersham et al. pending substitute AM3486 to AM3358 p. 893 adopted. Chambers pending FA538 p. 846 withdrawn. Revenue Committee pending AM3358 p. 802 adopted as amended. Chambers pending FA534 p. 844 lost ..... 898
Mar. 4 Chambers pending FA537 p. 846 withdrawn. Advanced for Review ..... 901
Mar. 6 Placed on Select File - AM7213 (printed separate) ..... 939
Mar. 10 AM7213 (E & R) adopted. Passed over ..... 988
Mar. 10 Schimek name added ..... 992
Mar. 11 Wickersham-Chambers AM3687 to AM7213 printed .. 1021
Mar. 18 Maurstad pending AM3314 p. 825 withdrawn. Chambers-Wickersham pending AM3687 p. 1021 adopted. Brown AM3863 to AM7213 withdrawn. Brown AM3421 pending ..... 1124
Mar. 18 Brown pending AM3421 p. 1125 withdrawn. Brown reoffered AM3863 p. 1124 lost. Advanced for Engrossment ..... 1128
Mar. 20 Correctly Engrossed ..... 1228
Mar. 20 ER9134 change ..... 1229
Apr. 9 Final Reading 38-6-5 ..... 1909
Apr. 9 President signed ..... 1920
Apr. 9 Presented to Secretary of State (4/9) ..... 1927

**LEGISLATIVE RESOLUTION 52CA. By Hillman, Brown, Engel, Maurstad, Robinson**

Jan. 7 Title ..... 86
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 53. By Schimek, Beutler, Robak, Vrtiska**

Jan. 7 Title ..... 87
Jan. 9 Schimek AM2748 printed ..... 192
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 54. By Preister**

Jan. 7 Title ..... 88
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 55CA. By Withem, Kristensen, Warner**

Jan. 7 Title ..... 88
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 58CA. By Crosby**

Jan. 7 Title ..... 90
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 59CA. By Beutler**

Jan. 7 Title ..... 90
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 60CA. By Kristensen**

Jan. 7 Title ..... 92
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 62CA. By Maurstad**

Jan. 7 Title ..... 93
Mar. 4 Indefinitely postponed ..... 908

**LEGISLATIVE RESOLUTION 88. By Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear**

Jan. 7 Title ..... 94
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 108. By Maurstad**

Jan. 7 Title ..... 94
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 303CA. By Abboud**

Jan. 7 Read first time.
Referred to Reference Committee ..... 155
Jan. 8 Referred to Committee on Judiciary ..... 163
Jan. 14 Notice of hearing (1/23) ..... 294

Jan. 27 Placed on General File - Com AM2871 ..... 428
Jan. 23 Speaker priority resolution ..... 744
Mar. 31 Com AM2871 p. 428 adopted.
Advanced for Review ..... 1583
Apr. 2 Placed on Select File ..... 1707
Apr. 6 Abboud-Kristensen AM4311 printed ..... 1746
Apr. 7 Abboud-Kristensen pending AM4311 p. 1746
adopted. Advanced for Engrossment ..... 1823
Apr. 8 Correctly Engrossed ..... 1843
Apr. 14 Final Reading 48-0-1 ..... 1937
Apr. 14 President signed ..... 1942
Apr. 14 Presented to Secretary of State (4/14) ..... 1953
(Provisions/portions of LR 310CA amended into LR 303CA by AM4311

**LEGISLATIVE RESOLUTION 304CA. By Will**

Jan. 7 Read first time.
Referred to Reference Committee ..... 156
Jan. 9 Correction ..... 185
Jan. 9 Referred to Committee on Revenue ..... 187
Feb. 2 Notice of hearing (2/13) ..... 505
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE RESOLUTION 306CA. By Brown**

Jan. 8 Read first time.
Referred to Reference Committee ..... 171
Jan. 9 Referred to Committee on Government,
Military and Veterans Affairs ..... 187
Feb. 4 Notice of hearing (2/11) ..... 529
Feb. 27 Placed on General File - Com AM3302 ..... 805
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 307CA. By Kristensen**

Jan. 8 Read first time.
Referred to Reference Committee ..... 172
Jan. 9 Referred to Committee on Government,
Military and Veterans Affairs ..... 187
Jan. 15 Notice of hearing (1/22) ..... 320
Feb. 23 Indefinitely postponed ..... 737
Feb. 23 Speaker priority resolution ..... 744

**LEGISLATIVE RESOLUTION 308CA. By Kristensen**

Jan. 8 Read first time.
Referred to Reference Committee ..... 174
Jan. 9 Referred to Committee on Education ..... 187

Jan. 27 Notice of hearing (2/3) ..... 430
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 309CA. By Kristensen**

Jan. 8 Read first time.
Referred to Reference Committee ..... 177
Jan. 9 Referred to Committee on Urban Affairs ..... 187
Jan. 20 Notice of hearing (1/27) ..... 347
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 310CA. By Kristensen**

Jan. 8 Read first time.
Referred to Reference Committee ..... 177
Jan. 9 Referred to Committee on Judiciary ..... 187
Jan. 14 Notice of hearing (1/23) ..... 294
Jan. 27 Placed on General File ..... 428
Apr. 14 Indefinitely postponed ..... 1983
(Provisions/portions of LR 310CA amended into LR 303CA by AM4311

**LEGISLATIVE RESOLUTION 311CA. By Kristensen**

Jan. 8 Read first time.
Referred to Reference Committee ..... 179
Jan. 9 Referred to Committee on Executive Board ..... 187
Jan. 26 Notice of hearing (2/2) ..... 416
Feb. 3 Indefinitely postponed ..... 522

**LEGISLATIVE RESOLUTION 313CA. By Jones**

Jan. 8 Read first time.
Referred to Reference Committee ..... 181
Jan. 9 Referred to Committee on Executive Board ..... 187
Jan. 26 Notice of hearing (2/2) ..... 416
Feb. 20 Executive Board Committee priority resolution ..... 712
Feb. 20 Placed on General File ..... 714
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 314CA. By Witek**

Jan. 9 Read first time.
Referred to Reference Committee ..... 208
Jan. 12 Referred to Committee on Judiciary ..... 231
Jan. 28 Notice of hearing (2/13) ..... 455
Feb. 20 Indefinitely postponed ..... 712

**LEGISLATIVE RESOLUTION 315CA. By Hilgert, Janssen, Kiel, Suttle, Thompson, at the request of the Governor**

Jan. 12 Read first time.
Referred to Reference Committee ..... 233
Jan. 14 Referred to Committee on Revenue ..... 299
Feb. 2 Notice of hearing (2/27) ..... 506
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE RESOLUTION 317CA. By Maurstad, Abboud, Bohlke, Brashear, Bromm, Brown, Bruning, Crosby, Cudaback, Dierks, Elmer, Engel, Hartnett, Hillman, Hudkins, Janssen, Jensen, Kristensen, Lynch, Matzke, Dw. Pedersen, D. Pederson, C. Peterson, Raikes, Robak, Schimek, Schmitt, Schrock, Stuhr, Suttle, Thompson, Tyson, Vrtiska, Wehrbein, Willhoft, Witek**

Jan. 20 Read first time.
Referred to Reference Committee ..... 348
Jan. 22 Referred to Committee on Revenue ..... 370
Feb. 2 Notice of hearing (2/27) ..... 506
Mar. 3 Indefinitely postponed ..... 881

**LEGISLATIVE RESOLUTION 319CA. By Vrtiska**

Jan. 22 Read first time.
Referred to Reference Committee ..... 371
Jan. 26 Referred to Committee on Education ..... 414
Jan. 27 Notice of hearing (2/3) ..... 430
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 320CA. By Beutler**

Jan. 22 Read first time.
Referred to Reference Committee ..... 378
Jan. 26 Referred to Committee on Executive Board ..... 414
Jan. 26 Notice of hearing (2/2) ..... 416
Feb. 3 Indefinitely postponed ..... 522

**LEGISLATIVE RESOLUTION 321. By Brashear**

Jan. 22 Read first time.
Referred to Reference Committee ..... 383
Jan. 26 Referred to Committee on Judiciary ..... 414
Jan. 28 Notice of hearing (2/4) ..... 455
Feb. 23 Speaker priority resolution ..... 744
Apr. 14 Indefinitely postponed ..... 1983

**LEGISLATIVE RESOLUTION 326. By Maurstad, Schrock, Elmer, Coordsen, Brashear, Wehrbein**

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| Feb. | 26 | Read first time. Laid over | 794 |
| Feb. | 26 | Referred to Reference Committee | 802 |
| Mar. | 2 | Referred to Committee on Natural Resources | 833 |
| Mar. | 25 | Notice of hearing (4/1) | 1396 |
| Apr. | 2 | Reported to Legislature for further consideration with AM4374 | 1707 |
| Apr. | 14 | Indefinitely postponed | 1983 |

# INTRODUCERS OF BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

## NINETY-FIFTH LEGISLATURE SECOND SESSION 1998

### CHRIS ABBOUD

| LB | |
|---|---|
| 104* | Eliminate a restriction on an additional amount of service surcharge for 911 service. |
| 134 | Adopt the Uniform Common Interest Ownership Act. |
| 203* | Eliminate a duty for sheriffs relating to the sex offenders. |
| 204* | Change registration duties and provide for disclosure and release of certain records relating to sex offenders. |
| 204A | Appropriation Bill. |
| 234* | Change provisions relating to civil procedure. |
| 302* | Adopt the Counterfeiting Prevention and Trademark Protection Act. |
| 309* | Change provisions relating to motor vehicle operator's licenses and driving under the influence. |
| 442* | Change provisions relating to product liability. |
| 855 | Change provisions relating to the use of sirens. |
| 991 | Change airport authority board membership. |
| 1010* | Change provisions relating to workers' compensation medical issues and elections. |
| 1069* | Change the number of county court and district court judges. |
| 1096* | Provide commitment procedures for sexually violent offenders. |
| 1104* | Change property tax and sales tax provisions and funding provisions. |
| 1177 | Redefine "residency" for purposes of income taxation. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1229* | Change eligibility criteria for educational funding and postsecondary education awards. |
| 1263* | Authorize transfer of real property by affidavit under the Nebraska Probate Code. |
| 1293* | Adopt the Volunteer Emergency Responders Recruitment and Retention Act. |
| 1357* | Change provisions relating to county board vacancies. |
| **LR** | |
| 3* | Ratify the proposed balanced budget amendment to the U.S. Constitution. |
| 88* | Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals. |
| 303CA | Constitutional amendment to change office, residence, and retention provisions for judges of certain courts. |

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**CHRIS BEUTLER**

**LB**

135 Change provisions relating to rates and charges under the Integrated Solid Waste Management Act.

302* Adopt the Counterfeiting Prevention and Trademark Protection Act.

321* Require reports of late expenditures under the Nebraska Political Accountability and Disclosure Act.

323* Adopt the Sexual Predator Act.

356 Eliminate a termination date for the Trail Development Assistance Act.

494* Provide for Nebraska Environmental Heritage License Plates.

507 Change provisions relating to positions of clerk magistrate of the county court and clerk of the district court.

516 Change provisions relating to motor vehicle registration fees.

518*** Provide loans to public water supply systems.

539 Adopt the Student Freedom of Expression Act.

540 Change provisions for the election of directors and the creation of natural resources subdistricts.

579 Define and redefine terms under the Environmental Lead Hazard Control Act.

602* Change and eliminate provisions for service areas relating to municipal power suppliers.

620 Provide restrictions on publishing and broadcasting campaign materials.

621 Change provisions for distribution of public funds and reporting under the Campaign Finance Limitation Act.

655* Establish air quality standards for hydrogen sulfide gas.

656 Provide for funding for operation of Niobrara Scenic River Local Management Council and change provisions for the Nebraska Resources Development Fund.

656A Appropriation Bill.

674 Change provisions relating to child custody, visitation and the Parenting Act.

676 Require restitution for fraudulent insurance acts.

678 Provide for enforcement of the Campaign Finance Limitation Act and provide civil and criminal penalties.

679 Change penalty provisions for littering.

681 Appropriate funds to the Legislative Council to study the consumer-owned electric utility industry.

682 Limit the tax levy authority of drainage districts and require merger with natural resources districts.

683 Provide a fee on the sale of bicycles.

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| 684 | Change a date for funds from the Low Level Radioactive Waste Compact States to be remitted to the Community Improvements Cash Fund. |
| 700 | Adopt the Geologists Regulation Act. |
| 701 | Provide powers and duties for conservation and deputy conservation officers. |
| 702 | Provide for credentialing of certain federal officers as conservation officers of the Game and Parks Commission. |
| 703 | Change provisions relating to the importation, exportation, and release of birds and mammals under the Game Law. |
| 704 | Change provisions for issuance of certain permits by the Game and Parks Commission. |
| 705 | Provide for lifetime habitat stamps. |
| 744 | State intent and provide requirements for reorganization, consolidation, or merger of electric utilities. |
| 751 | Eliminate the offense of unlawful possession of a revolver and create the offense of illegal possession of a firearm. |
| 752A* | Change salaries of state constitutional officers. |
| 799* | Provide for grants for arts and humanities funding. |
| 838* | Change provisions relating to student discipline. |
| 867* | State intent relating to renewable energy resources. |
| 921 | Prohibit drilling of water wells in portions of the Republican River Basin. |
| 962* | Eliminate a termination date relating to the Nebraska Telecommunications Universal Service Fund Act. |
| 1004* | Change restrictions on use of the Nebraska Resources Development Fund. |
| 1024* | Change qualifications of the Director of Environmental Quality. |
| 1052* | Change provisions relating to service by a municipally owned electric system or public power district. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1063A | Appropriation Bill. |
| 1154* | Adopt the Buffer Strip Act and change pesticide registration fees. |
| 1154A* | Change an appropriation. |
| 1161* | Change provisions relating to water wells, geologists, weather programs, motor fuels, petroleum release, handling and storage, and scrap tires. |
| 1173* | Appropriate funds for construction of a center for excellence in electronics. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1199* | Provide for storm water facility construction and grants relating to the Antelope Creek valley. |
| 1200* | Change provisions relating to the Nebraska Tree Recovery Program. |

1201 Allow an agency of the U.S. Department of Agriculture to be a trustee of a trust deed.
1202 Change tree recovery program provisions.
1205 Change provisions relating to noxious weed control.
1209A Appropriation Bill.
1217* Eliminate the office of county superintendent of schools.
1229* Change eligibility criteria for educational funding and postsecondary education awards.
1232 Provide for a covenant not to sue under the Petroleum Products and Hazardous Substances Storage and Handling Act.
1278* Change petroleum release claim procedures.
1282 Eliminate certain provisions relating to mortgages, deeds and other real estate instruments.
1283 Change provisions for appeals from county court and Small Claims Court.
1284 Change Game and Parks provisions relating to permits, licenses, stamps, fees, penalties and motorboats.
1312 Provide restrictions relating to the use of certain highway lands.
1355* Adopt the Livestock Waste Management Act.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
53* Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.
59CA Constitutional amendment to provide for disciplinary action against judges.
88* Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.
320CA Constitutional amendment to authorize the Legislature to hire legal counsel.

**ARDYCE BOHLKE**

**LB**

82* Designate the Platte River as the official state river.
132 Change and eliminate a duty for school districts to provide certain information relating to abortion.
209* Change provisions relating to "other actual receipts" under the Tax Equity and Educational Opportunities Support Act.
320* Provide for provisional driver's licenses.
320A Appropriation Bill.
349** Appropriate funds to the Tax Equity and Educational Opportunities Fund for state aid to public school districts.
353 Authorize municipalities to enact ordinances which apply the Nebraska Rules of the Road.

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| 383* | Adopt the Charitable Solicitation Registration Act. |
| 400 | Exclude job application materials from public record requirements. |
| 419* | Provide for reorganization of educational service units. |
| 514* | Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program. |
| 578 | Change provisions relating to hearing officers and school employees. |
| 602* | Change and eliminate provisions for service areas relating to municipal power suppliers. |
| 707* | Change provisions for an emission fee collected from air pollution sources. |
| 711 | Change provisions relating to schools. |
| 712 | Require a statewide testing program for certain grade levels of students. |
| 714 | Change provisions relating to distribution of state aid to schools. |
| 715 | Change provisions relating to college loan default cost fees. |
| 842* | Adopt the Interior Design Profession Regulation Act. |
| 924*** | Create the Nebraska Information Technology Commission. |
| 963* | Authorize natural resources districts to establish weather modification programs. |
| 992* | Provide for treatment of leased employees for certain tax benefits. |
| 1004* | Change restrictions on use of the Nebraska Resources Development Fund. |
| 1005* | Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice to complete collocation of law enforcement training facilities. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1052* | Change provisions relating to service by a municipally owned electric system or public power district. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1089* | Authorize creation of joint public agencies. |
| 1102* | Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders. |
| 1110* | Change provisions relating to educational service units and funding of core services. |
| 1123* | Change provisions relating to Class I school district budgets. |
| 1124* | Change state aid to education calculations. |

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| 1133* | Provide lump-sum state aid payments as prescribed. |
| 1161* | Change provisions relating to water wells, geologists, weather programs, motor fuels, petroleum release, handling and storage, and scrap tires. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1198 | Change eligibility for homestead exemptions. |
| 1210* | Change school financing provisions relating to adjusted valuation. |
| 1211* | Change school financing provisions and provide for corrected state aid. |
| 1217* | Eliminate the office of county superintendent of schools. |
| 1219* | Provide for unified school systems and temporary mitigation funds. |
| 1219A | Appropriation Bill. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1228A | Appropriation Bill. |
| 1229* | Change eligibility criteria for educational funding and postsecondary education awards. |
| 1229A | Appropriation Bill. |
| 1231* | Provide a property tax lid exemption for certain school building projects. |
| 1278* | Change petroleum release claim procedures. |
| 1285 | Create the Higher Education Planning Team. |
| 1301 | Provide for identification of students with limited English proficiency. |
| 1302 | Provide for a petition for approval of graduate level and professional level private colleges. |
| 1303 | Adopt the Charter Schools Act. |
| 1304 | Change state aid payment provisions. |
| 1305 | Require the Department of Administrative Services to conduct a study of facilities under the control of political subdivisions. |
| 1314* | Change provisions relating to school budget restrictions and joint cash reserve funds. |
| 1335 | Change state aid to schools. |
| 1336* | Develop a mentor teacher program and change allocation of lottery proceeds. |
| 1354* | Change provisions relating to behavioral health services, medication aides, and the remains of indigent persons. |
| 1355* | Adopt the Livestock Waste Management Act. |

**LR**

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| 6CA* | Constitutional amendment to require the Legislature to prescribe the qualifications for members of the State Board of Education. |
| 317CA* | Constitutional amendment to authorize merger and consolidation by local governments. |

## KERMIT A. BRASHEAR

| LB | |
|---|---|
| 74* | Change provisions relating to Nebraska Cornhusker Spirit Plates. |
| 233 | Change provisions relating to theft. |
| 234* | Change provisions relating to civil procedure. |
| 235 | Change the amount recoverable under the Nebraska Hospital-Medical Liability Act. |
| 280* | Prohibit same sex marriages. |
| 302* | Adopt the Counterfeiting Prevention and Trademark Protection Act. |
| 321* | Require reports of late expenditures under the Nebraska Political Accountability and Disclosure Act. |
| 360 | Prohibit the use of public property and personnel for campaigning. |
| 361 | Change a civil penalty under the Nebraska Political Accountability and Disclosure Act. |
| 365 | Provide a cost-of-living adjustment to retirees under the Nebraska State Patrol Retirement Act. |
| 421 | Provide and change enforcement powers of the Nebraska Accountability and Disclosure Commission. |
| 511* | Change penalties relating to being an accessory to a felony. |
| 559 | Change jurisdictional provisions for county court. |
| 560 | Eliminate a duty of the Revisor of Statutes to publish practice notes. |
| 561 | Provide penalties for criminal attempt. |
| 562 | Change provisions for preliminary hearings. |
| 593* | Adopt the Attorney-Client Conference Act. |
| 648* | Provide for criminal penalties for assault on educational employees. |
| 765 | Change the combined tax rate computation under the Employment Security Law. |
| 766* | Adopt the Athlete Agent Registration and Accountability Act. |
| 766A | Appropriation Bill. |
| 767 | Change provisions relating to dissolution of candidate committees and conflicts of interest. |
| 768* | Change contribution restrictions on campaign committees. |
| 769** | Change provisions for costs of treatment and health care and disciplinary restrictions and procedures for certain inmates. |
| 796* | Change provisions relating to the retirement age and annuities under the Judges Retirement Act. |
| 939* | Change investment and employment requirements under the Quality Jobs Act. |
| 969 | Change and eliminate provisions relating to the filing of suppression motions. |

970 Change civil procedure provisions and powers of the county court.
1011 Change provisions relating to inmate disciplinary proceedings.
1012 Create the offense of introduction of contraband for escape.
1028*** Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund.
1069* Change the number of county court and district court judges.
1099* Authorize a local option sales tax for metropolitan class cities.
1102* Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders.
1102A Appropriation Bill.
1109* Change the income tax rate schedules.
1114* Provide economic development incentives for workers.
1128* Change investment authority for trustees of certain pension systems.
1155 Provide a sales and use tax exemption for certain sales of clothing.
1156 Change nomination provisions relating to judicial nominating commissions.
1176*** Adopt the Quality Work Force Academic Loan Program Act.
1217* Eliminate the office of county superintendent of schools.
1225 Change summary judgment procedures.
1228* Adopt the Quality Education Accountability Act.
1229* Change eligibility criteria for educational funding and postsecondary education awards.
1233 Create the Nebraska County Court Judges Association.
1234 Change criminal penalties and provisions relating to indeterminate sentences.
1308 Change the method of inflicting the death penalty.
1309 Adopt the Uniform Child-Custody Jurisdiction and Enforcement Act.
1349 Change provisions relating to the Child Pornography Prevention Act.
1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.
1360* Prohibit school-based health clinics and pregnancy testing and require certain parental notification.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
88* Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

321 Provide for withdrawal of a proposed constitutional amendment relating to imprisonment for debt.

## CURT BROMM

LB

24* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.

48* Authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies.

93* Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.

102* Change provisions relating to allocation of capitol building space.

125* Provide an exemption of certain standards relating to elevators.

131* Prohibit campaign contributions during legislative sessions.

164* Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.

237* Change provisions for the regulation of structures relating to aeronautics.

244* Provide for a learned treatise exception to the rule against hearsay under the Nebraska Evidence Rules.

252* Provide for reimbursement of training costs for law enforcement officers.

280* Prohibit same sex marriages.

302* Adopt the Counterfeiting Prevention and Trademark Protection Act.

309A Appropriation Bill.

318* Change provisions relating to regulation of natural gas rates and enforcement of the regulation.

319 Change provisions relating to the costs of transcripts of certain municipal proceedings.

323* Adopt the Sexual Predator Act.

390* Change provisions for appeals in capital punishment cases.

392* Change provisions relating to temporary custody and detention or placement of juveniles.

395* Provide for environmental audits and change provisions relating to the Boiler Inspection Act.

422*** Change the definition of "aggravating circumstances."

428 Create the Biopower Steering Committee.

462* Change provisions for filing petitions in postconviction proceedings.

465* Adopt the Concealed Handgun License Act.

508* Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
606* Provide for certain rights for crime victims.
607* Provide procedures for drawing legislative and congressional district boundaries.
616* Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.
638* Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
790* Provide immunity in actions relating to job references.
791* Change provisions relating to contracts for certificated school employees.
792* Provide for access to state public records and authorize fees.
793* Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.
796* Change provisions relating to the retirement age and annuities under the Judges Retirement Act.
823* Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
842* Adopt the Interior Design Profession Regulation Act.
947* Create the Task Force for the Nebraska State Radio Communication System.
986 Change provisions governing access to isolated land.
988* Provide for a transfer from the Cash Reserve Fund.
998* Change, provide, and eliminate provisions relating to fees and distribution of fees.
1008* Change provisions relating to site and building fund levies for Class I school districts.
1053* Change provisions relating to the Rural Development Commission.
1055 Change the boundary line between Butler and Platte counties.
1056* Change provisions relating to motor carriers.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1075* Adopt the Nebraska Municipal Comparability Act.
1096* Provide commitment procedures for sexually violent offenders.
1123* Change provisions relating to Class I school district budgets.
1134* Change Tax Equity and Educational Opportunities Support Act provisions relating to reorganization incentives.

1138* Appropriate funds for renewal, renovation, and construction projects at Peru State College.
1154* Adopt the Buffer Strip Act and change pesticide registration fees.
1161* Change provisions relating to water wells, geologists, weather programs, motor fuels, petroleum release, handling and storage, and scrap tires.
1161A* Appropriation Bill.
1172* Eliminate certain grain checkoff provisions.
1196* Adopt the Livestock Waste Management Act.
1217* Eliminate the office of county superintendent of schools.
1228* Adopt the Quality Education Accountability Act.
1247* Appropriate funds to school districts and local systems.
1270* Provide duties for primary high school districts.
1278* Change petroleum release claim procedures.
1294* Limit certain employment-related damage awards.
1299* Limit political subdivision and state immunity for certain claims.
1314* Change provisions relating to school budget restrictions and joint cash reserve funds.
1318* Adopt the Public Funds Deposit and Investment Regulation Act.
1342 Eliminate the minimum levy adjustment under the Tax Equity and Educational Opportunities Support Act.
1355* Adopt the Livestock Waste Management Act.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
88* Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**PAM BROWN**

**LB**

24* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
27* Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
109* Authorize the issuance of citations by certain fire, health, safety, and construction officials and inspectors.
125* Provide an exemption of certain standards relating to elevators.
125A Appropriation Bill.
218* Change provisions relating to protection and suppression orders and the county court.

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| 265* | Prohibit acts relating to stolen motor vehicles and major component parts. |
| 266* | Provide for confidentiality and ownership of DNA analysis results. |
| 301* | Adopt the Court Appointed Special Advocate Act. |
| 303* | Redefine "private institution of higher education" under the Nebraska Educational Finance Authority Act. |
| 323* | Adopt the Sexual Predator Act. |
| 436 | Require insurance policies providing fire or weather-related coverage to pay governmental demolition liens and other obligations out of loss payments. |
| 438 | Change provisions relating to truancy and provide for denial of eligibility for driver's licenses and permits. |
| 497* | Change provisions relating to school employee retirement for Class V school districts. |
| 514* | Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program. |
| 556 | Change certification provisions for passenger carriers. |
| 593* | Adopt the Attorney-Client Conference Act. |
| 601* | Create the offense of indecency with a child. |
| 638* | Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State. |
| 648* | Provide for criminal penalties for assault on educational employees. |
| 669* | State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A. |
| 777* | Provide for parenting education courses in certain divorce actions. |
| 799* | Provide for grants for arts and humanities funding. |
| 822* | Change retirement annuity and retirement age provisions under the School Employees Retirement Plan. |
| 878* | Authorize employee buy-out programs for state government. |
| 878A | Appropriation Bill. |
| 915* | Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity. |
| 924*** | Create the Nebraska Information Technology Commission. |
| 938* | Change provisions relating to the power of eminent domain by metropolitan cities. |
| 939* | Change investment and employment requirements under the Quality Jobs Act. |
| 948* | Provide for the exchange of immunization information between health care professionals, facilities and departments. |
| 960 | Provide for judicial membership on advisory committees to the legislative or executive branches of government. |

961 Change and eliminate provisions relating to transfers of funds by county treasurers.

988* Provide for a transfer from the Cash Reserve Fund.

1006* Change provisions relating to early childhood education pilot project programs.

1028*** Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund.

1033* Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles.

1041* Change children-related provisions and conform state law to the federal Adoption and Safe Families Act of 1997.

1042* Adopt the Unfair Discrimination Against Subjects of Abuse in Insurance Act.

1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.

1069* Change the number of county court and district court judges.

1071* Change provisions relating to disposition of seized property.

1087* Change provisions relating to title insurance.

1088* Change provisions relating to residential real property and disclosure statements.

1094* Authorize sale of insurance by banks, trust companies, and similar companies.

1099* Authorize a local option sales tax for metropolitan class cities.

1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.

1102* Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders.

1104* Change property tax and sales tax provisions and funding provisions.

1112* Require insurance coverage for mental health conditions.

1114* Provide economic development incentives for workers.

1115 Provide a duty for medical personnel to report alcohol-related accidents.

1116*** Change income tax provisions and eliminate a transfer of cash reserve funds.

1135* Adopt the Peace Officer Employer-Employee Relations Act.

1173* Appropriate funds for construction of a center for excellence in electronics.

1183* Appropriate funds for the Foster Grandparent Program.

1228* Adopt the Quality Education Accountability Act.

1229* Change eligibility criteria for educational funding and postsecondary education awards.

1327* Exempt certain transfers of telecommunications equipment from sales and use tax.

1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.

31CA* Constitutional amendment to eliminate references to the Public Service Commission and the Railway Commission.

52CA* Constitutional amendment to eliminate provisions relating to county and township officers.

306CA Constitutional amendment to authorize home rule charter counties.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**JON BRUNING**

**LB**

125* Provide an exemption of certain standards relating to elevators.

204* Change registration duties and provide for disclosure and release of certain records relating to sex offenders.

280* Prohibit same sex marriages.

281* Change fees for service of process.

302* Adopt the Counterfeiting Prevention and Trademark Protection Act.

350* Define terms and provide for owner liability relating to firearm ranges.

369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.

422*** Change the definition of "aggravating circumstances."

447* Change provisions relating to contracts for fire and ambulance service.

465* Adopt the Concealed Handgun License Act.

611* Change provisions relating to municipal corporate limits.

616* Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.

790* Provide immunity in actions relating to job references.

938* Change provisions relating to the power of eminent domain by metropolitan cities.

939* Change investment and employment requirements under the Quality Jobs Act.

962* Eliminate a termination date relating to the Nebraska Telecommunications Universal Service Fund Act.

963* Authorize natural resources districts to establish weather modification programs.

983 Redefine "boiler" under the Boiler Inspection Act and change certain inspection requirements.

990 Authorize certain county boards to appoint election commissioners.

1028*** Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund.

1033* Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles.

1053* Change provisions relating to the Rural Development Commission.

1069* Change the number of county court and district court judges.

1099* Authorize a local option sales tax for metropolitan class cities.

1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.

1116*** Change income tax provisions and eliminate a transfer of cash reserve funds.

1147* Change eligibility criteria for specialized telecommunications equipment.

1154* Adopt the Buffer Strip Act and change pesticide registration fees.

1161* Change provisions relating to water wells, geologists, weather programs, motor fuels, petroleum release, handling and storage, and scrap tires.

1176*** Adopt the Quality Work Force Academic Loan Program Act.

1176A Appropriation Bill.

1196* Adopt the Livestock Waste Management Act.

1227* Provide an income tax adjustment for federal governmental pensions.

1263* Authorize transfer of real property by affidavit under the Nebraska Probate Code.

1278* Change petroleum release claim procedures.

1319* Create the Commission for the Study of County Government.

1338* Change provisions relating to trustees of sanitary and improvement districts.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.

88* Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## ERNIE CHAMBERS

| LB | |
|---|---|
| 27* | Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities. |
| 83* | Require insurance coverage for serious mental illnesses. |
| 100* | Include newspaper carriers as employees for purposes of workers' compensation. |
| 102* | Change provisions relating to allocation of capitol building space. |
| 162* | Prohibit ticket quota requirements for law enforcement. |
| 331 | Eliminate the death penalty and provide for life imprisonment without possibility of parole. |
| 405 | Change provisions relating to indeterminate sentences. |
| 459 | Adopt the Employees of Elected Constitutional Offices Supplemental Retirement Plan Act. |
| 632 | Change provisions relating to campaign and lobbyist statements, late filing fees, and ballot questions. |
| 633 | Change provisions relating to food stamp assistance for certain residents. |
| 633A | Appropriation Bill. |
| 752A* | Change salaries of state constitutional officers. |
| 869 | Change provisions relating to employment discrimination based on sexual orientation. |
| 870* | Provide revenue sources for the Affordable Housing Trust Fund. |
| 917 | Change provisions relating to juvenile crime and correctional services. |
| 918 | Provide for the offense of sexual assault of an inmate or parolee. |
| 919 | Provide that persons with developmental disabilities not be subject to the death penalty. |
| 997 | Adopt the Voluntary Physician Aid-In-Dying Act. |
| 1259* | Change enterprise zone association board provisions. |
| 1266* | Change felony, criminal attempt, and capital punishment provisions. |

(Senator Chambers withdrew his name as the only introducer of LB 1137)

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| 1137 | Require health care providers and facilities to provide certain records without charge. |

## GEORGE COORDSEN

| LB | |
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| 24* | Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals. |
| 42* | Provide procedures for use of digital signatures. |
| 102* | Change provisions relating to allocation of capitol building space. |
| 164* | Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants. |

178* Provide for consolidation of counties and municipalities and creation of classified local governments.
181* Authorize local governments to levy payments in lieu of taxes for certain tax-exempt property.
198 Change the income tax and sales and use tax rates.
228* Provide a penalty for destroying initiative and referendum petitions.
280* Prohibit same sex marriages.
282 Change benefit conditions relating to employment security.
369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
415* Provide for distribution of local option sales tax collected in community redevelopment areas.
465* Adopt the Concealed Handgun License Act.
544 Require health care providers to furnish a patient's medical records to the patient.
583* Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
591* Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.
593* Adopt the Attorney-Client Conference Act.
637* Provide for the election of the board of directors of a municipal electric utility for primary class cities.
640* Provide for brand license plates.
654* Provide for the merger of municipally owned electric utilities.
792* Provide for access to state public records and authorize fees.
803* Adopt the Community-Based Neurobehavioral Rehabilitation Act.
810* Change provisions relating to interpreters for hearing impaired persons.
823* Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
824 Create the School Aid Trust Fund.
905 Provide that partisan ballots may be requested by unaffiliated registered voters.
906 Change child support guideline provisions.
907 Provide reimbursement to pharmacists by insurance companies.
908 Change provisions relating to motorcycle helmets.
909* Provide for issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies.
924*** Create the Nebraska Information Technology Commission.

939* Change investment and employment requirements under the Quality Jobs Act.
962* Eliminate a termination date relating to the Nebraska Telecommunications Universal Service Fund Act.
988* Provide for a transfer from the Cash Reserve Fund.
989*** Change budget limits for political subdivisions and school districts.
998* Change, provide, and eliminate provisions relating to fees and distribution of fees.
1022* Change penalties for minors obtaining alcoholic liquor.
1032* Change capital gains income tax provisions.
1053* Change provisions relating to the Rural Development Commission.
1056* Change provisions relating to motor carriers.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1075* Adopt the Nebraska Municipal Comparability Act.
1138* Appropriate funds for renewal, renovation, and construction projects at Peru State College.
1152* Provide for county interim zoning measures and powers.
1154* Adopt the Buffer Strip Act and change pesticide registration fees.
1160 Change provisions for freeholder petitions relating to schools.
1168* Change provisions relating to agister's liens.
1186* Eliminate agricultural and horticultural land valuation boards and land manual areas.
1196* Adopt the Livestock Waste Management Act.
1210* Change school financing provisions relating to adjusted valuation.
1211* Change school financing provisions and provide for corrected state aid.
1214* Authorize covenant marriages.
1247* Appropriate funds to school districts and local systems.
1278* Change petroleum release claim procedures.
1294* Limit certain employment-related damage awards.
1331* Change levy, budget, and transfer of land provisions for Class I school districts.
1333A Appropriation Bill.

**LR**

2CA Constitutional amendment to require the Legislature to appropriate funds to political subdivisions for certain mandated programs.
3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
41CA* Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

**LaVon CROSBY**

| LB | |
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| 27* | Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities. |
| 65* | Prohibit certain advertising practices relating to tobacco. |
| 82* | Designate the Platte River as the official state river. |
| 95 | State intent relating to appropriations for libraries. |
| 131* | Prohibit campaign contributions during legislative sessions. |
| 207* | Change provisions relating to grandparent visitation. |
| 239* | Lower the prohibited concentration of alcohol for DWI conviction. |
| 309* | Change provisions relating to motor vehicle operator's licenses and driving under the influence. |
| 320* | Provide for provisional driver's licenses. |
| 323* | Adopt the Sexual Predator Act. |
| 337 | Change provisions relating to investments and contributions under the State Employees Retirement Act. |
| 340 | Change provisions relating to a personal needs allowance for mentally ill persons. |
| 340A | Appropriation Bill. |
| 341* | Adopt the Commission for the Blind and Visually Impaired Act. |
| 341A | Appropriation Bill. |
| 383* | Adopt the Charitable Solicitation Registration Act. |
| 467* | Change provisions relating to tobacco licenses and tobacco products and minors. |
| 515* | Require insurance coverage for necessary formulas and low-protein foods prescribed for treatment of inherited metabolic disease. |
| 532* | Provide a supplemental retirement benefit for certain eligible retirees. |
| 532A* | Appropriation Bill. |
| 603* | Change provisions for suspension of driver's licenses and minors in possession of alcohol. |
| 614 | Provide qualified immunity for certain providers at free medical clinics. |
| 629 | Change provisions relating to classification of school districts. |
| 645* | Appropriate funds to the Coordinating Commission for Postsecondary Education for the Postsecondary Education Award Program. |
| 669* | State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A. |
| 799* | Provide for grants for arts and humanities funding. |
| 799A | Appropriation Bill. |

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| 800 | Require health insurance coverage for certain joint disorders. |
| 801 | Provide for certain services to be performed free or at a reduced rate for persons who are legally blind or visually handicapped. |
| 803* | Adopt the Community-Based Neurobehavioral Rehabilitation Act. |
| 810* | Change provisions relating to interpreters for hearing impaired persons. |
| 822* | Change retirement annuity and retirement age provisions under the School Employees Retirement Plan. |
| 840* | Authorize purchase of service credit for certain persons under the School Employees Retirement plan. |
| 841* | Provide for the responsibility for payment of costs of medical services for individuals who are arrested, detained, taken into custody or incarcerated. |
| 842* | Adopt the Interior Design Profession Regulation Act. |
| 857* | Provide funding for capital construction projects at the University of Nebraska and Nebraska State Colleges and change distribution of the cigarette tax. |
| 884 | Change provisions relating to child custody determination. |
| 885 | Provide the Director of Research of the Legislature formulate and recommend child support guidelines to the Legislature. |
| 915* | Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity. |
| 936 | Change provisions relating to producing a prisoner for examination in court. |
| 937* | Adopt the Telemarketing and Prize Promotions Act. |
| 951* | Create the Governor's Residence Advisory Commission. |
| 951A | Appropriation Bill. |
| 981* | Define "unborn person" and redefine "person" relating to homicide. |
| 1025* | Change provisions relating to homestead exemption and individual disability exemptions. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1094* | Authorize sale of insurance by banks, trust companies, and similar companies. |
| 1100* | Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects. |
| 1102* | Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders. |

1112* Require insurance coverage for mental health conditions.
1163* Require all school districts employ school nurses.
1166* Prohibit tattooing and body piercing on minors.
1173* Appropriate funds for construction of a center for excellence in electronics.
1188* Change reckless driving provisions.
1199* Provide for storm water facility construction and grants relating to the Antelope Creek valley.
1200* Change provisions relating to the Nebraska Tree Recovery Program.
1214* Authorize covenant marriages.
1226* Require a levy for support of county libraries.
1273 Change procedures relating to legal separation.
1360* Prohibit school-based health clinics and pregnancy testing and require certain parental notification.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
58CA Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive offices.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**JIM D. CUDABACK**

**LB**

33* Change provisions relating to computer records maintained by the Register of Deeds.
64* Change provisions relating to payment of costs of certain elections.
72* Change provisions relating to license plates issued to handicapped or disabled persons.
93* Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
265* Prohibit acts relating to stolen motor vehicles and major component parts.
280* Prohibit same sex marriages.
323* Adopt the Sexual Predator Act.
427 Change provisions relating to appointments to a community redevelopment authority.
465* Adopt the Concealed Handgun License Act.
573 Change provisions for county court jurisdiction.
574* Adopt the County Initiative and Referendum Act.
607* Provide procedures for drawing legislative and congressional district boundaries.
638* Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
640* Provide for brand license plates.

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| 694 | Change provisions relating to renewal and transfer of license plates and fees. |
| 695* | Change provisions relating to county property tax relief and county criminal detention costs. |
| 695A* | Appropriation Bill. |
| 792* | Provide for access to state public records and authorize fees. |
| 793* | Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units. |
| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 955 | Adopt the Liquified Petroleum Gas Tax Act. |
| 956 | Change provisions relating to certificates of number for motorboats. |
| 957 | Change provisions relating to abandoned motor vehicles. |
| 971 | Change provisions relating to personal property tax and delinquency dates. |
| 973 | Change a provision relating to access to public records of a county by modem. |
| 999* | Change penalties for liquor law violations by minors. |
| 1000* | Provide for minor's driver's licenses and minor's identification cards. |
| 1004* | Change restrictions on use of the Nebraska Resources Development Fund. |
| 1013* | Change cemetery association condemnation provisions. |
| 1014* | Exempt certain United States Postal Service delivery charges from sales and use taxes. |
| 1022* | Change penalties for minors obtaining alcoholic liquor. |
| 1026* | Change the fee for tax certificates and deeds. |
| 1027* | Change provisions relating to disabled veteran license plates. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1032* | Change capital gains income tax provisions. |
| 1043* | Change provisions for computer related gambling activity. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1138* | Appropriate funds for renewal, renovation, and construction projects at Peru State College. |
| 1152* | Provide for county interim zoning measures and powers. |
| 1172* | Eliminate certain grain checkoff provisions. |
| 1185* | Change local option sales tax election provisions. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1316 | Change provisions relating to anatomical gifts and fees. |

LR

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## MERTON L. DIERKS

LB

27* Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.

93* Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.

146* Prohibit disciplinary action based solely on an experimental or nontraditional practice or therapy under the Uniform Licensing Law.

189* Adopt the Nebraska Host Farm and Ranch Act.

191 Create a veterinarian-client privilege.

192 Change and eliminate provisions relating to the testing and sale of current tractor models.

207* Change provisions relating to grandparent visitation.

211* Require certain reports of ownership of real estate involved in farming or ranching.

228* Provide a penalty for destroying initiative and referendum petitions.

237* Change provisions for the regulation of structures relating to aeronautics.

239* Lower the prohibited concentration of alcohol for DWI conviction.

262 Change provisions relating to filing reports claiming damages from pesticide application.

280* Prohibit same sex marriages.

369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.

375* Prohibit smoking in state buildings and vehicles.

465* Adopt the Concealed Handgun License Act.

549* Change provisions relating to the importation and possession of certain animals under the Game Law.

552* Withdraw the State of Nebraska from the Central Interstate Low-Level Radioactive Waste Compact.

571* Provide for different rates, tolls, and rents relating to wind energy resources.

591* Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.

619 Require labels on HIV home collection kits.

638* Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
649 Provide funding for the animal damage control program.
649A Appropriation Bill.
661** State intent relating to meat and poultry inspection.
915* Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity.
939* Change investment and employment requirements under the Quality Jobs Act.
950* Authorize and change administrative fees relating to garnishment.
952* Authorize the use of laetrile under certain circumstances.
953 Change provisions relating to funeral establishments.
967* Change provisions relating to livestock brands.
981* Define "unborn person" and redefine "person" relating to homicide.
984* Provide highway and collision action restrictions relating to livestock.
985* Require insurance coverage for diabetes-related equipment, supplies, medication and education.
1010* Change provisions relating to workers' compensation medical issues and elections.
1022* Change penalties for minors obtaining alcoholic liquor.
1031* Redefine "eligible postsecondary educational institution" under the Postsecondary Education Award Program Act.
1033* Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles.
1040* Enact the Health and Human Services, Office of Juvenile Services Act.
1045 Adopt the Domesticated Cervine Animal Production Act.
1046 Change provisions governing soil and plant laboratories.
1047 Change provisions relating to the membership of the Nebraska Aquaculture Board.
1048 Update references to federal agricultural-related services and agencies.
1049 Change provisions relating to erosion and sediment control.
1050 Change provisions relating to funding for construction of or improvements to school buildings or for site acquisition.
1053* Change provisions relating to the Rural Development Commission.
1058* Change tobacco license and sale provisions.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1075* Adopt the Nebraska Municipal Comparability Act.
1112* Require insurance coverage for mental health conditions.

1152* Provide for county interim zoning measures and powers.
1168* Change provisions relating to agister's liens.
1193* Require reports of ownership of real estate involved in farming or ranching and change provisions of the Nebraska Right to Farm Act.
1193A Appropriation Bill.
1196* Adopt the Livestock Waste Management Act.
1214* Authorize covenant marriages.
1219* Provide for unified school systems and temporary mitigation funds.
1226* Require a levy for support of county libraries.
1247* Appropriate funds to school districts and local systems.
1248* Include grain warehouses in the Nebraska Right to Farm Act.
1331* Change levy, budget, and transfer of land provisions for Class I school districts.
1332 Change county zoning provisions.
1360* Prohibit school-based health clinics and pregnancy testing and require certain parental notification.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
41CA* Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## W. OWEN ELMER

**LB**

237* Change provisions for the regulation of structures relating to aeronautics.
280* Prohibit same sex marriages.
334* Authorize the Nebraska Oil and Gas Conservation Commission to enter into contracts for appraisals of oil and gas interests.
369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
416 Change provisions relating to registration of water wells.
417 Provide for entry upon property by representatives of political subdivisions.
465* Adopt the Concealed Handgun License Act.
467* Change provisions relating to tobacco licenses and tobacco products and minors.
616* Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.

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| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 842* | Adopt the Interior Design Profession Regulation Act. |
| 962* | Eliminate a termination date relating to the Nebraska Telecommunications Universal Service Fund Act. |
| 963* | Authorize natural resources districts to establish weather modification programs. |
| 1024* | Change qualifications of the Director of Environmental Quality. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1033* | Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1125 | Adopt the Wellhead Protection Area Act. |
| 1161* | Change provisions relating to water wells, geologists, weather programs, motor fuels, petroleum release, handling and storage, and scrap tires. |
| 1161A* | Appropriation Bill. |
| 1169 | Change provisions relating to Class I school district budgets. |
| 1170 | Change provisions relating to use of scrap tires. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1240 | Change provisions relating to learners with high ability. |
| 1299* | Limit political subdivision and state immunity for certain claims. |
| 1314* | Change provisions relating to school budget restrictions and joint cash reserve funds. |
| 1326 | Eliminate transfers to the Waste Reduction and Recycling Incentive Fund. |
| 1359* | Change school financing cost grouping provisions. |

**LR**

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| 3* | Ratify the proposed balanced budget amendment to the U.S. Constitution. |
| 317CA* | Constitutional amendment to authorize merger and consolidation by local governments. |

**PAT ENGEL**

**LB**

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| 24* | Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals. |

27* Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
65* Prohibit certain advertising practices relating to tobacco.
102* Change provisions relating to allocation of capitol building space.
125* Provide an exemption of certain standards relating to elevators.
280* Prohibit same sex marriages.
320* Provide for provisional driver's licenses.
323* Adopt the Sexual Predator Act.
350* Define terms and provide for owner liability relating to firearm ranges.
358* Change provisions relating to grandparent visitation.
369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
392* Change provisions relating to temporary custody and detention or placement of juveniles.
394* Provide funds for capital improvements for state colleges.
465* Adopt the Concealed Handgun License Act.
467* Change provisions relating to tobacco licenses and tobacco products and minors.
496* Authorize local reciprocal exemption agreements under the International Fuel Tax Agreement Act.
508* Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
640* Provide for brand license plates.
645* Appropriate funds to the Coordinating Commission for Postsecondary Education for the Postsecondary Education Award Program.
655* Establish air quality standards for hydrogen sulfide gas.
669* State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
777* Provide for parenting education courses in certain divorce actions.
791* Change provisions relating to contracts for certificated school employees.
792* Provide for access to state public records and authorize fees.
881* Authorize the use of an automated traffic enforcement system for detection of moving traffic violations.
915* Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity.
963* Authorize natural resources districts to establish weather modification programs.

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| 981* | Define "unborn person" and redefine "person" relating to homicide. |
| 988* | Provide for a transfer from the Cash Reserve Fund. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1030* | Change provisions relating to motor vehicle registration. |
| 1033* | Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1059* | Authorize reciprocal interstate law enforcement agreements. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1100* | Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects. |
| 1104* | Change property tax and sales tax provisions and funding provisions. |
| 1116*** | Change income tax provisions and eliminate a transfer of cash reserve funds. |
| 1117* | Create a class of peace officer known as constable and provide powers and duties. |
| 1185* | Change local option sales tax election provisions. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1214* | Authorize covenant marriages. |
| 1249* | Provide for establishment of the office of county comptroller in all counties. |
| 1263* | Authorize transfer of real property by affidavit under the Nebraska Probate Code. |
| 1278* | Change petroleum release claim procedures. |
| 1293* | Adopt the Volunteer Emergency Responders Recruitment and Retention Act. |
| 1294* | Limit certain employment-related damage awards. |
| 1330* | Change the Political Subdivisions Self-Funding Benefits Act to allow political subdivisions to act jointly. |
| 1353* | Establish the Office of Community Corrections and provide for local boards and financial aid for programs. |
| 1360* | Prohibit school-based health clinics and pregnancy testing and require certain parental notification. |

**LR**

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| 3* | Ratify the proposed balanced budget amendment to the U.S. Constitution. |
| 31CA* | Constitutional amendment to eliminate references to the Public Service Commission and the Railway Commission. |

52CA* Constitutional amendment to eliminate provisions relating to county and township officers.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## D. PAUL HARTNETT

LB

124* Require certain employees to pay for collective bargaining.

125* Provide an exemption of certain standards relating to elevators.

178* Provide for consolidation of counties and municipalities and creation of classified local governments.

276* Provide an income tax credit for earned income.

280* Prohibit same sex marriages.

281* Change fees for service of process.

296* Provide an income tax adjustment for federal governmental pensions.

303* Redefine "private institution of higher education" under the Nebraska Educational Finance Authority Act.

375* Prohibit smoking in state buildings and vehicles.

415* Provide for distribution of local option sales tax collected in community redevelopment areas.

419* Provide for reorganization of educational service units.

487* Prohibit the controlling of rent.

492* Provide an income tax credit for educational expenses.

496* Authorize local reciprocal exemption agreements under the International Fuel Tax Agreement Act.

497* Change provisions relating to school employee retirement for Class V school districts.

502* Prohibit the establishment of slaughterhouses near residential areas in metropolitan class cities.

571* Provide for different rates, tolls, and rents relating to wind energy resources.

583* Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.

611* Change provisions relating to municipal corporate limits.

650 Provide a cost-of-living adjustment for certain retirees under the Nebraska State Patrol Retirement Act.

651 Authorize the donation of certain personal property from metropolitan utilities districts to political subdivisions.

708* Provide for gas furnace inspections of residential and commercial structures by utilities or gas companies.

718* Change provisions relating to instream water appropriations.

777* Provide for parenting education courses in certain divorce actions.

803* Adopt the Community-Based Neurobehavioral Rehabilitation Act.

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| 822* | Change retirement annuity and retirement age provisions under the School Employees Retirement Plan. |
| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 825 | Provide first and second class cities, villages and certain counties maintain jails under Interlocal Cooperation Act agreements. |
| 826 | Eliminate police authority from cities and villages. |
| 867* | State intent relating to renewable energy resources. |
| 939* | Change investment and employment requirements under the Quality Jobs Act. |
| 981* | Define "unborn person" and redefine "person" relating to homicide. |
| 989*** | Change budget limits for political subdivisions and school districts. |
| 999* | Change penalties for liquor law violations by minors. |
| 1000* | Provide for minor's driver's licenses and minor's identification cards. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1032* | Change capital gains income tax provisions. |
| 1043* | Change provisions for computer related gambling activity. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1058* | Change tobacco license and sale provisions. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1089* | Authorize creation of joint public agencies. |
| 1099* | Authorize a local option sales tax for metropolitan class cities. |
| 1110* | Change provisions relating to educational service units and funding of core services. |
| 1110A | Appropriation Bill. |
| 1114* | Provide economic development incentives for workers. |
| 1119* | Adopt the Mutual Finance Assistance Act. |
| 1120* | Change public safety provisions. |
| 1134* | Change Tax Equity and Educational Opportunities Support Act provisions relating to reorganization incentives. |
| 1138* | Appropriate funds for renewal, renovation, and construction projects at Peru State College. |
| 1142*** | Establish a limit on real property tax valuation increases. |
| 1216 | Provide for public library federations. |
| 1224 | Eliminate notice to the Attorney General regarding a declaratory judgment on the validity of a municipal ordinance or franchise. |
| 1227* | Provide an income tax adjustment for federal governmental pensions. |

1242 Prohibit falsifying educational documents.
1256* Provide for loans to political subdivisions under the Nebraska Highway Bond Act.
1259* Change enterprise zone association board provisions.
1286 Change a sales factor used to calculate income tax.
1287 Provide for a special notation on a minor's driver's license.
1288 Authorize natural gas contracts for certain cities.
1289 Authorize the reassumption of property tax assessment duties in certain cities.
1290* Change Employment Expansion and Investment Incentive Act provisions relating to enterprise zones.
1291 Change provisions relating to inheritance tax.
1293* Adopt the Volunteer Emergency Responders Recruitment and Retention Act.
1293A Appropriation Bill.
1327* Exempt certain transfers of telecommunications equipment from sales and use tax.
1338* Change provisions relating to trustees of sanitary and improvement districts.
1345 Change provisions relating to placement of children in foster care and wards of the state.

**LR**

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**JOHN HILGERT**

**LB**

27* Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
109* Authorize the issuance of citations by certain fire, health, safety, and construction officials and inspectors.
124* Require certain employees to pay for collective bargaining.
207* Change provisions relating to grandparent visitation.
225* Change weekly benefit provisions under the Employment Security Act.
241* Change provisions relating to prosecutions for sale of liquor to a minor.
244* Provide for a learned treatise exception to the rule against hearsay under the Nebraska Evidence Rules.
245* Provide employment duties for employers of injured employees.
280* Prohibit same sex marriages.
302* Adopt the Counterfeiting Prevention and Trademark Protection Act.
303* Redefine "private institution of higher education" under the Nebraska Educational Finance Authority Act.
323* Adopt the Sexual Predator Act.

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| 369* | Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists. |
| 442* | Change provisions relating to product liability. |
| 447* | Change provisions relating to contracts for fire and ambulance service. |
| 467* | Change provisions relating to tobacco licenses and tobacco products and minors. |
| 492* | Provide an income tax credit for educational expenses. |
| 497* | Change provisions relating to school employee retirement for Class V school districts. |
| 515* | Require insurance coverage for necessary formulas and low-protein foods prescribed for treatment of inherited metabolic disease. |
| 585* | Change the number of members and districts of the Game and Parks Commission. |
| 611* | Change provisions relating to municipal corporate limits. |
| 627 | Change provisions relating to bingo. |
| 648* | Provide for criminal penalties for assault on educational employees. |
| 692 | Provide for legislative oversight for contracts relating to the Nebraska Partnership for Health and Human Services Act. |
| 756* | Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release. |
| 757* | Provide the Nebraska Mental Health Commitment Act applicable to juveniles. |
| 922* | Transfer, amend, and repeal provisions relating to game and parks. |
| 923 | Change provisions relating to the Boiler Inspection Act. |
| 930* | Require a reduction in property tax levies in certain situations. |
| 947* | Create the Task Force for the Nebraska State Radio Communication System. |
| 978* | Change provisions relating to rating systems for automobile liability policies. |
| 979* | Require disclosure of rating factors for automobile liability insurance. |
| 980* | Change provisions relating to application forms and deadlines for homestead exemptions. |
| 981* | Define "unborn person" and redefine "person" relating to homicide. |
| 989*** | Change budget limits for political subdivisions and school districts. |
| 995 | Change eligibility provisions for veterans relief and for waiver of tuition. |
| 1010* | Change provisions relating to workers' compensation medical issues and elections. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |

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| 1033* | Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |
| 1071* | Change provisions relating to disposition of seized property. |
| 1094* | Authorize sale of insurance by banks, trust companies, and similar companies. |
| 1102* | Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders. |
| 1104* | Change property tax and sales tax provisions and funding provisions. |
| 1112* | Require insurance coverage for mental health conditions. |
| 1116*** | Change income tax provisions and eliminate a transfer of cash reserve funds. |
| 1135* | Adopt the Peace Officer Employer-Employee Relations Act. |
| 1141* | Create the Neighborhood Development Cash Fund. |
| 1164* | Provide requirements for contracts between certain insurance agents and companies. |
| 1171* | Change provisions relating to personal watercrafts. |
| 1171A | Appropriation Bill. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1255 | Change workers' compensation death benefit provisions. |
| 1257 | Change welfare reform work experience and employment provisions. |
| 1266* | Change felony, criminal attempt, and capital punishment provisions. |
| 1267* | Establish the Nebraska Family Assets and Savings Development Task Force. |
| 1279 | Change provisions for driver improvement courses. |
| 1334 | Adopt the One Day Rest in Seven Act. |
| 1344* | Provide for written absenteeism and truancy policies for schools. |
| 1360* | Prohibit school-based health clinics and pregnancy testing and require certain parental notification. |
| **LR** | |
| 3* | Ratify the proposed balanced budget amendment to the U.S. Constitution. |

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| 88* | Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals. |
| 315CA*** | Constitutional amendment to provide for merger or consolidation of counties or other local governments. |

**JOYCE HILLMAN**

| LB | |
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| 83* | Require insurance coverage for serious mental illnesses. |
| 164* | Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants. |
| 301* | Adopt the Court Appointed Special Advocate Act. |
| 392* | Change provisions relating to temporary custody and detention or placement of juveniles. |
| 394* | Provide funds for capital improvements for state colleges. |
| 483* | Adopt the Nebraska Plane Coordinate System Act. |
| 548A | Appropriation Bill. |
| 601* | Create the offense of indecency with a child. |
| 669* | State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A. |
| 822* | Change retirement annuity and retirement age provisions under the School Employees Retirement Plan. |
| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 830* | Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur. |
| 870* | Provide revenue sources for the Affordable Housing Trust Fund. |
| 924*** | Create the Nebraska Information Technology Commission. |
| 924A | Appropriation Bill. |
| 937* | Adopt the Telemarketing and Prize Promotions Act. |
| 988* | Provide for a transfer from the Cash Reserve Fund. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1041* | Change children-related provisions and conform state law to the federal Adoption and Safe Families Act of 1997. |
| 1042* | Adopt the Unfair Discrimination Against Subjects of Abuse in Insurance Act. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |
| 1070*** | Adopt the Nebraska Health Care Trust Fund Act and the Native American Public Health Act. |

1095* Provide the State Fire Marshal with duties relating to housing accessibility standards.

1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.

1102* Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders.

1112* Require insurance coverage for mental health conditions.

1117* Create a class of peace officer known as constable and provide powers and duties.

1141* Create the Neighborhood Development Cash Fund.

1185* Change local option sales tax election provisions.

1229* Change eligibility criteria for educational funding and postsecondary education awards.

1249* Provide for establishment of the office of county comptroller in all counties.

1330* Change the Political Subdivisions Self-Funding Benefits Act to allow political subdivisions to act jointly.

1337* Provide for a study and a task force relating to the juvenile justice system.

1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.

**LR**

52CA* Constitutional amendment to eliminate provisions relating to county and township officers.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## CAROL HUDKINS

**LB**

24* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.

27* Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.

48* Authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies.

125* Provide an exemption of certain standards relating to elevators.

160* Change notice requirements for proposed budget statements for villages.

164* Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.

207* Change provisions relating to grandparent visitation.

237* Change provisions for the regulation of structures relating to aeronautics.

239* Lower the prohibited concentration of alcohol for DWI conviction.
280* Prohibit same sex marriages.
323* Adopt the Sexual Predator Act.
355 Allow city attorneys in primary class cities to appeal from preliminary rulings in criminal cases and seek approval for pretrial diversion from the city council.
369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
465* Adopt the Concealed Handgun License Act.
467* Change provisions relating to tobacco licenses and tobacco products and minors.
508* Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
606* Provide for certain rights for crime victims.
640* Provide for brand license plates.
664 Change provisions relating to controlled shooting areas and game breeding operations.
756* Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757* Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
763 Adopt the Plumbing License Law.
777* Provide for parenting education courses in certain divorce actions.
790* Provide immunity in actions relating to job references.
823* Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
830* Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur.
941* Change provisions relating to penalties and suspension of retail liquor licenses.
981* Define "unborn person" and redefine "person" relating to homicide.
984* Provide highway and collision action restrictions relating to livestock.
1000* Provide for minor's driver's licenses and minor's identification cards.
1043* Change provisions for computer related gambling activity.
1053* Change provisions relating to the Rural Development Commission.
1069* Change the number of county court and district court judges.
1075* Adopt the Nebraska Municipal Comparability Act.
1102* Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders.

1104* Change property tax and sales tax provisions and funding provisions.
1117* Create a class of peace officer known as constable and provide powers and duties.
1134* Change Tax Equity and Educational Opportunities Support Act provisions relating to reorganization incentives.
1154* Adopt the Buffer Strip Act and change pesticide registration fees.
1166* Prohibit tattooing and body piercing on minors.
1168* Change provisions relating to agister's liens.
1173* Appropriate funds for construction of a center for excellence in electronics.
1196* Adopt the Livestock Waste Management Act.
1199* Provide for storm water facility construction and grants relating to the Antelope Creek valley.
1228* Adopt the Quality Education Accountability Act.
1248* Include grain warehouses in the Nebraska Right to Farm Act.
1340 Adopt the Plumbing License Law.
1352 Change Class I school district budget provisions.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**RAY JANSSEN**

**LB**

120* Change provisions relating to sales by liquor retail establishments which provide motor vehicle access directly through the building.
252* Provide for reimbursement of training costs for law enforcement officers.
280* Prohibit same sex marriages.
301* Adopt the Court Appointed Special Advocate Act.
350* Define terms and provide for owner liability relating to firearm ranges.
465* Adopt the Concealed Handgun License Act.
467* Change provisions relating to tobacco licenses and tobacco products and minors.
583* Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
606* Provide for certain rights for crime victims.
638* Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
707* Change provisions for an emission fee collected from air pollution sources.

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| 708* | Provide for gas furnace inspections of residential and commercial structures by utilities or gas companies. |
| 792* | Provide for access to state public records and authorize fees. |
| 796* | Change provisions relating to the retirement age and annuities under the Judges Retirement Act. |
| 804** | Create the Local Option Property Tax Relief Committee. |
| 822* | Change retirement annuity and retirement age provisions under the School Employees Retirement Plan. |
| 822A | Appropriation Bill. |
| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 940 | Change special election requirements relating to school district reorganization. |
| 941* | Change provisions relating to penalties and suspension of retail liquor licenses. |
| 942 | Provide for valuation of recently sold real property for property tax purposes. |
| 943 | Change the sales tax rate. |
| 985* | Require insurance coverage for diabetes-related equipment, supplies, medication and education. |
| 999* | Change penalties for liquor law violations by minors. |
| 1000* | Provide for minor's driver's licenses and minor's identification cards. |
| 1013* | Change cemetery association condemnation provisions. |
| 1014* | Exempt certain United States Postal Service delivery charges from sales and use taxes. |
| 1022* | Change penalties for minors obtaining alcoholic liquor. |
| 1033* | Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles. |
| 1043* | Change provisions for computer related gambling activity. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1068* | Change provisions relating to petition circulators. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1093* | Create the Nebraska Volunteer Service Commission. |
| 1097* | Change retail liquor license suspension provisions. |
| 1099* | Authorize a local option sales tax for metropolitan class cities. |
| 1100* | Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects. |
| 1104* | Change property tax and sales tax provisions and funding provisions. |
| 1112* | Require insurance coverage for mental health conditions. |

1117* Create a class of peace officer known as constable and provide powers and duties.
1133* Provide lump-sum state aid payments as prescribed.
1134* Change Tax Equity and Educational Opportunities Support Act provisions relating to reorganization incentives.
1134A Appropriation Bill.
1138* Appropriate funds for renewal, renovation, and construction projects at Peru State College.
1154* Adopt the Buffer Strip Act and change pesticide registration fees.
1184* Change public bidding provisions.
1196* Adopt the Livestock Waste Management Act.
1228* Adopt the Quality Education Accountability Act.
1293* Adopt the Volunteer Emergency Responders Recruitment and Retention Act.
1327* Exempt certain transfers of telecommunications equipment from sales and use tax.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA* Constitutional amendment to change provisions relating to legislative sessions.
315CA*** Constitutional amendment to provide for merger or consolidation of counties or other local governments.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**JIM JENSEN**

**LB**

24* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
65* Prohibit certain advertising practices relating to tobacco.
104* Eliminate a restriction on an additional amount of service surcharge for 911 service.
125* Provide an exemption of certain standards relating to elevators.
204* Change registration duties and provide for disclosure and release of certain records relating to sex offenders.
218* Change provisions relating to protection and suppression orders and the county court.
239* Lower the prohibited concentration of alcohol for DWI conviction.
265* Prohibit acts relating to stolen motor vehicles and major component parts.
280* Prohibit same sex marriages.
283* Change provisions relating to pawnbrokers and junk dealers.

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| 303* | Redefine "private institution of higher education" under the Nebraska Educational Finance Authority Act. |
| 320* | Provide for provisional driver's licenses. |
| 323* | Adopt the Sexual Predator Act. |
| 350* | Define terms and provide for owner liability relating to firearm ranges. |
| 358* | Change provisions relating to grandparent visitation. |
| 375* | Prohibit smoking in state buildings and vehicles. |
| 390* | Change provisions for appeals in capital punishment cases. |
| 462* | Change provisions for filing petitions in postconviction proceedings. |
| 465* | Adopt the Concealed Handgun License Act. |
| 504 | Change provisions relating to real estate disclosure statements, security deposits, and actions for possession. |
| 508* | Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997. |
| 565* | Provide for pretrial diversion programs for persons charged with minor traffic offenses. |
| 583* | Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator. |
| 638* | Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State. |
| 776* | Provide for energy financing contracts. |
| 777* | Provide for parenting education courses in certain divorce actions. |
| 790* | Provide immunity in actions relating to job references. |
| 938* | Change provisions relating to the power of eminent domain by metropolitan cities. |
| 939* | Change investment and employment requirements under the Quality Jobs Act. |
| 948* | Provide for the exchange of immunization information between health care professionals, facilities and departments. |
| 949*** | Adopt the Department of Health and Human Services Tobacco Central Registry Act. |
| 954* | Authorize a state refund for increased property taxes imposed on homesteads. |
| 966* | Provide fees received by political subdivisions for conducting pretrial diversion programs be remitted to the political subdivision's general fund. |
| 987* | Redefine "person" relating to homicide. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1030* | Change provisions relating to motor vehicle registration. |
| 1040* | Enact the Health and Human Services, Office of Juvenile Services Act. |
| 1058* | Change tobacco license and sale provisions. |

1069* Change the number of county court and district court judges.
1070*** Adopt the Nebraska Health Care Trust Fund Act and the Native American Public Health Act.
1075* Adopt the Nebraska Municipal Comparability Act.
1087* Change provisions relating to title insurance.
1088* Change provisions relating to residential real property and disclosure statements.
1094* Authorize sale of insurance by banks, trust companies, and similar companies.
1096* Provide commitment procedures for sexually violent offenders.
1104* Change property tax and sales tax provisions and funding provisions.
1109* Change the income tax rate schedules.
1116*** Change income tax provisions and eliminate a transfer of cash reserve funds.
1141* Create the Neighborhood Development Cash Fund.
1142*** Establish a limit on real property tax valuation increases.
1166* Prohibit tattooing and body piercing on minors.
1184* Change public bidding provisions.
1223* Change provisions relating to eligibility for medical assistance.
1294* Limit certain employment-related damage awards.
1295 Provide for retainage from public contract payments.
1325* Provide for issuance of a certificate of title for historical vehicles.
1327* Exempt certain transfers of telecommunications equipment from sales and use tax.
1357* Change provisions relating to county board vacancies.
1360* Prohibit school-based health clinics and pregnancy testing and require certain parental notification.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**JIM JONES**

**LB**

24* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
27* Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
125* Provide an exemption of certain standards relating to elevators.
155* Redefine a term for purposes of the Game Law.

160* Change notice requirements for proposed budget statements for villages.
164* Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
189* Adopt the Nebraska Host Farm and Ranch Act.
203* Eliminate a duty for sheriffs relating to the sex offenders.
204* Change registration duties and provide for disclosure and release of certain records relating to sex offenders.
207* Change provisions relating to grandparent visitation.
239* Lower the prohibited concentration of alcohol for DWI conviction.
280* Prohibit same sex marriages.
323* Adopt the Sexual Predator Act.
350* Define terms and provide for owner liability relating to firearm ranges.
369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
395* Provide for environmental audits and change provisions relating to the Boiler Inspection Act.
462* Change provisions for filing petitions in postconviction proceedings.
465* Adopt the Concealed Handgun License Act.
467* Change provisions relating to tobacco licenses and tobacco products and minors.
583* Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
606* Provide for certain rights for crime victims.
638* Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
640* Provide for brand license plates.
790* Provide immunity in actions relating to job references.
791* Change provisions relating to contracts for certificated school employees.
793* Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.
823* Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
830* Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur.
868* Provide a restriction on names for non-deposit-taking bank branch offices.
915* Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity.
981* Define "unborn person" and redefine "person" relating to homicide.

984* Provide highway and collision action restrictions relating to livestock.
987* Redefine "person" relating to homicide.
1004* Change restrictions on use of the Nebraska Resources Development Fund.
1005* Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice to complete collocation of law enforcement training facilities.
1032* Change capital gains income tax provisions.
1053* Change provisions relating to the Rural Development Commission.
1069* Change the number of county court and district court judges.
1075* Adopt the Nebraska Municipal Comparability Act.
1089* Authorize creation of joint public agencies.
1102* Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders.
1117* Create a class of peace officer known as constable and provide powers and duties.
1138* Appropriate funds for renewal, renovation, and construction projects at Peru State College.
1154* Adopt the Buffer Strip Act and change pesticide registration fees.
1168* Change provisions relating to agister's liens.
1196* Adopt the Livestock Waste Management Act.
1197* Change cost grouping provisions for state aid to schools.
1214* Authorize covenant marriages.
1331* Change levy, budget, and transfer of land provisions for Class I school districts.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
313CA Constitutional amendment to change the number of members of the Legislature.

**SHELLEY KIEL**

**LB**

109* Authorize the issuance of citations by certain fire, health, safety, and construction officials and inspectors.
125* Provide an exemption of certain standards relating to elevators.
281* Change fees for service of process.
470 Prohibit certain actions by employers based on use of lawful products.
484* Provide for the suspension of tobacco licenses.
497* Change provisions relating to school employee retirement for Class V school districts.

501* Require net billing for customers using electricity generated by a wind or biomass electricity generator.
511* Change penalties relating to being an accessory to a felony.
514* Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
601* Create the offense of indecency with a child.
645* Appropriate funds to the Coordinating Commission for Postsecondary Education for the Postsecondary Education Award Program.
648* Provide for criminal penalties for assault on educational employees.
669* State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
718* Change provisions relating to instream water appropriations.
756* Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757* Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
777* Provide for parenting education courses in certain divorce actions.
924*** Create the Nebraska Information Technology Commission.
930* Require a reduction in property tax levies in certain situations.
978* Change provisions relating to rating systems for automobile liability policies.
979* Require disclosure of rating factors for automobile liability insurance.
980* Change provisions relating to application forms and deadlines for homestead exemptions.
988* Provide for a transfer from the Cash Reserve Fund.
1001* Change retail liquor license hearing provisions.
1028*** Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund.
1032* Change capital gains income tax provisions.
1033* Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles.
1042* Adopt the Unfair Discrimination Against Subjects of Abuse in Insurance Act.
1053* Change provisions relating to the Rural Development Commission.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1069* Change the number of county court and district court judges.

1082* Provide for a feasibility study of qualified state tuition programs and college savings plans.
1099* Authorize a local option sales tax for metropolitan class cities.
1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.
1102* Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders.
1112* Require insurance coverage for mental health conditions.
1139* Establish a hate crimes task force.
1141* Create the Neighborhood Development Cash Fund.
1176*** Adopt the Quality Work Force Academic Loan Program Act.
1183* Appropriate funds for the Foster Grandparent Program.
1187 Change repossession plate provisions.
1188* Change reckless driving provisions.
1267* Establish the Nebraska Family Assets and Savings Development Task Force.
1276* Authorize regional services and provide standards for the education of the deaf and hard-of-hearing students.
1277 Require notice of a surcharge to automatic teller machine customers.
1278* Change petroleum release claim procedures.
1344* Provide for written absenteeism and truancy policies for schools.

**LR**

315CA*** Constitutional amendment to provide for merger or consolidation of counties or other local governments.

## DOUGLAS A. KRISTENSEN

**LB**

41 Limit recovery for claims under the State Tort Claims Act.
42* Provide procedures for use of digital signatures.
102* Change provisions relating to allocation of capitol building space.
148 Authorize alternative games of chance under the Nebraska Lottery and Raffle Act.
178* Provide for consolidation of counties and municipalities and creation of classified local governments.
228* Provide a penalty for destroying initiative and referendum petitions.
280* Prohibit same sex marriages.
286 Adopt the Digital Signature Act.
302* Adopt the Counterfeiting Prevention and Trademark Protection Act.
320* Provide for provisional driver's licenses.

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| 371 | Provide for a gallonage tax on certain cider under the Nebraska Liquor Control Act. |
| 373 | Change the schedule of controlled substances. |
| 395* | Provide for environmental audits and change provisions relating to the Boiler Inspection Act. |
| 839 | Redefine "ballot questions" under the Political Accountability and Disclosure Act. |
| 962* | Eliminate a termination date relating to the Nebraska Telecommunications Universal Service Fund Act. |
| 982 | Change the membership of the Tax Equalization and Review Commission. |
| 988* | Provide for a transfer from the Cash Reserve Fund. |
| 998* | Change, provide, and eliminate provisions relating to fees and distribution of fees. |
| 1004* | Change restrictions on use of the Nebraska Resources Development Fund. |
| 1005* | Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice to complete collocation of law enforcement training facilities. |
| 1021 | Increase the number of judges of the Court of Appeals. |
| 1036 | Provide an income tax credit for the Hope Scholarship Credit and Lifetime Learning Credit. |
| 1069* | Change the number of county court and district court judges. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1082* | Provide for a feasibility study of qualified state tuition programs and college savings plans. |
| 1105** | Change Property Tax Reduction Incentive Fund transfers. |
| 1106** | Transfer funds from the Cash Reserve Fund to the Roads Operations Cash Fund. |
| 1107** | Change Secure Youth Confinement Facility Fund provisions. |
| 1108** | Provide for deficit appropriations for state agencies. |
| 1143 | Change a fee for issuance of license plates. |
| 1245 | Change procedures for amending and repealing bylaws of nonprofit corporations. |
| 1246 | Change provisions relating to petitions and paid circulators. |
| 1250 | Change provisions governing Department of Correctional Services employees. |
| 1297 | Change telecommunications-related provisions for access charges, universal service and service quality. |
| 1298 | Change the manner of setting variable fuel tax rates and eliminate the State Tax Board. |
| 1318* | Adopt the Public Funds Deposit and Investment Regulation Act. |
| 1333* | Redefine "truck" for purposes of motor vehicle registration, fees, and taxes. |

1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.

7CA* Constitutional amendment to change the percentage of petition signatures required for initiative and referendum measures.

12CA Constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.

13CA Constitutional amendment to provide for legislative powers during periods of enemy attack, terrorist attack or natural disaster.

14CA Constitutional amendment to create the Commission on Legislative Compensation and establish the salary and expenses of members of the Legislature.

15CA* Constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender.

16CA Constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.

18CA Constitutional amendment to eliminate references to certain categories of special legislation.

19CA Constitutional amendment to provide that rights granted by the Nebraska Constitution are not to be construed as limited by interpretations placed on similar provisions of the U.S. Constitution.

24CA Constitutional amendment to change a reference to the appellate court and eliminate certain references to county courts and judges.

25CA Constitutional amendment to provide that the presiding officer shall sign bills and resolutions passed by the Legislature.

27CA Constitutional amendment to eliminate the constitutional provisions establishing the Board of Parole and eliminate the Board of Pardons.

28CA Constitutional amendment to transfer a provision from Article XVII to Article III.

29CA Constitutional amendment to repeal the requirement that printed copies of the Constitution be prefixed to books containing the laws of the state.

36CA Constitutional amendment to eliminate certain contempt powers of the Legislature.

37 Urge Congress to support HR1842 which recognizes problems created in competition between states in offering economic incentives.

38CA Constitutional amendment to prescribe requirements for initiative and referendum petitions.

41CA* Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

42CA Constitutional amendment to eliminate a reference to public, private, denominational and parochial schools.

43CA Change provisions relating to legislative confirmation of gubernatorial appointments.

55CA Constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.

60CA Constitutional amendment to provide for recall of members of the Legislature.

88* Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

307CA Constitutional amendment to require the Governor to allocate functions and administration of the executive branch subject to legislative disapproval.

308CA Constitutional amendment to provide one appointive governing board for the state university and state colleges.

309CA Constitutional amendment to authorize ownership arrangements and interests by governmental subdivisions with other entities to provide housing for low income persons.

310CA Constitutional amendment to provide for the retention of judges of the Supreme Court and Court of Appeals on a statewide basis.

311CA Constitutional amendment to change the length of legislative sessions.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**DAVID M. LANDIS**

**LB**

20 Authorize property tax work-off programs.

171 Change provisions relating to discrimination.

181* Authorize local governments to levy payments in lieu of taxes for certain tax-exempt property.

276* Provide an income tax credit for earned income.

409 Authorize issuance and use of direct payment permits for purposes of sales and use tax.

423 Provide for retroactive modification of child support orders.

553 Change provisions relating to vacant state buildings, state agency purchases, building renewal and state personnel.

602* Change and eliminate provisions for service areas relating to municipal power suppliers.

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| 718* | Change provisions relating to instream water appropriations. |
| 728 | Change provisions relating to pawnbrokers, dealers in secondhand goods or jewelry, coin dealers or junk dealers. |
| 730 | Change execution and homestead exemption provisions. |
| 731 | Change provisions relating to liens and secured transactions under the Uniform Commercial Code. |
| 739 | Change provisions for the acquisition of banks under the Nebraska Bank Holding Company Act. |
| 768* | Change contribution restrictions on campaign committees. |
| 870* | Provide revenue sources for the Affordable Housing Trust Fund. |
| 925 | Appropriate funds to the Supreme Court for assessment of juvenile mediation projects. |
| 926 | Change court docket fee provisions. |
| 927 | Change the expiration date of driver's licenses and state identification cards. |
| 928 | Change provisions for suspension of retail liquor licenses. |
| 929 | Change the income tax credit for household and dependent care services. |
| 989*** | Change budget limits for political subdivisions and school districts. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1034 | Harmonize Uniform Commercial Code Investment Securities provisions with 1994 revisions. |
| 1035 | Change provisions relating to insurance. |
| 1037 | Provide an income tax credit for qualifying children. |
| 1038* | Provide for juvenile offender and victim mediation as an option in certain cases. |
| 1039 | Change provisions relating to the Dispute Resolution Act. |
| 1042* | Adopt the Unfair Discrimination Against Subjects of Abuse in Insurance Act. |
| 1052* | Change provisions relating to service by a municipally owned electric system or public power district. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1085 | Change provisions relating to the Nebraska Uniform Custodial Trust Act. |
| 1101* | Change provisions relating to the Nebraska Hall of Fame. |
| 1111 | Change banking deposit, notice, and lending limit provisions and provide additional powers. |
| 1142*** | Establish a limit on real property tax valuation increases. |
| 1145 | Change Uniform Commercial Code financing statements and related statements. |

1162* Adopt insurance-related acts for health care credentialing, managed care, quality assessment, health carriers and utilization review.
1173* Appropriate funds for construction of a center for excellence in electronics.
1179 Change provisions relating to installment loans, the Nebraska Installment Sales Act, and the Delayed Deposit Services Licensing Act.
1180 Provide an additional exception to the registration requirements under the Securities Act of Nebraska.
1199* Provide for storm water facility construction and grants relating to the Antelope Creek valley.
1203 Change the number of juvenile court judges.
1204 Provide for compensation for school board members.
1235 Adopt the Uniform Principal and Income Act of 1997.
1236 Change certified public accountant examination and reciprocity provisions.
1237 Adopt the Interstate Trust Company Office Act.
1238 Authorize savings associations to convert to state banks.
1239 Change homestead exemption provisions.
1251 Change installment loan license and examination provisions.
1264 Provide for issuance of motorcycle license plates to handicapped or disabled persons.
1265 Permit use of sodium pentobarbital for the euthanasia of animals and adopt the Humane Society Act.
1271 Change provisions for certain adult child adoptions.
1272 Change consent requirements for adoption.
1278* Change petroleum release claim procedures.
1306 Require notarized signatures on certificates of title.
1307 Change provisions relating to lien filings, filing fees, and the state's central filing system.
1320 Change filing provisions relating to liens and secured transactions.
1321 Change financial transaction provisions.
1321A Appropriation Bill.
1329 Change provisions and procedures relating to enforcement of motor fuel laws.
1358 Change telecommunications cost recovery provisions.

## DANIEL C. LYNCH

LB
27* Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
45* Change provisions for location of retail liquor licensees.
72* Change provisions relating to license plates issued to handicapped or disabled persons.

104* Eliminate a restriction on an additional amount of service surcharge for 911 service.
124* Require certain employees to pay for collective bargaining.
125* Provide an exemption of certain standards relating to elevators.
225* Change weekly benefit provisions under the Employment Security Act.
265* Prohibit acts relating to stolen motor vehicles and major component parts.
296* Provide an income tax adjustment for federal governmental pensions.
299 Change provisions relating to handicapped parking permits and spaces.
300 Change provisions relating to license plates issued to handicapped or disabled persons.
341* Adopt the Commission for the Blind and Visually Impaired Act.
439 Adopt the Street Gang Recision Act.
514* Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
549* Change provisions relating to the importation and possession of certain animals under the Game Law.
611* Change provisions relating to municipal corporate limits.
645* Appropriate funds to the Coordinating Commission for Postsecondary Education for the Postsecondary Education Award Program.
667 Authorize nonpublic lake associations to adopt and promulgate rules and regulations.
668 Require motorboat operator education.
669* State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
718* Change provisions relating to instream water appropriations.
777* Provide for parenting education courses in certain divorce actions.
803* Adopt the Community-Based Neurobehavioral Rehabilitation Act.
822* Change retirement annuity and retirement age provisions under the School Employees Retirement Plan.
840* Authorize purchase of service credit for certain persons under the School Employees Retirement plan.
857* Provide funding for capital construction projects at the University of Nebraska and Nebraska State Colleges and change distribution of the cigarette tax.
883 Provide for a waiver of a proposed administrative penalty under the Contractor Registration Act.

915* Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity.
951* Create the Governor's Residence Advisory Commission.
958 Change provisions relating to civil judgments and notification requirements.
980* Change provisions relating to application forms and deadlines for homestead exemptions.
988* Provide for a transfer from the Cash Reserve Fund.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1069* Change the number of county court and district court judges.
1071* Change provisions relating to disposition of seized property.
1099* Authorize a local option sales tax for metropolitan class cities.
1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.
1128* Change investment authority for trustees of certain pension systems.
1130 Increase minimum wage rates for certain personal care aides.
1141* Create the Neighborhood Development Cash Fund.
1147* Change eligibility criteria for specialized telecommunications equipment.
1183* Appropriate funds for the Foster Grandparent Program.
1189* Provide for special education instruction in and use of braille.
1220 Provide commensurate child-care leave for adoptive parents.
1227* Provide an income tax adjustment for federal governmental pensions.
1259* Change enterprise zone association board provisions.
1292* Change income levels for homestead exemptions.
1315 Provide an exemption from insurance licensing requirements.

**LR**

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**GERALD E. MATZKE**

**LB**

280* Prohibit same sex marriages.
281* Change fees for service of process.
302* Adopt the Counterfeiting Prevention and Trademark Protection Act.

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| 316 | Prohibit the operation of motorboats and personal watercraft by persons under sixteen years of age. |
| 334* | Authorize the Nebraska Oil and Gas Conservation Commission to enter into contracts for appraisals of oil and gas interests. |
| 375* | Prohibit smoking in state buildings and vehicles. |
| 422*** | Change the definition of "aggravating circumstances." |
| 606* | Provide for certain rights for crime victims. |
| 640* | Provide for brand license plates. |
| 985* | Require insurance coverage for diabetes-related equipment, supplies, medication and education. |
| 988* | Provide for a transfer from the Cash Reserve Fund. |
| 1032* | Change capital gains income tax provisions. |
| 1040* | Enact the Health and Human Services, Office of Juvenile Services Act. |
| 1041* | Change children-related provisions and conform state law to the federal Adoption and Safe Families Act of 1997. |
| 1041A | Appropriation Bill. |
| 1058* | Change tobacco license and sale provisions. |
| 1059* | Authorize reciprocal interstate law enforcement agreements. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |
| 1070*** | Adopt the Nebraska Health Care Trust Fund Act and the Native American Public Health Act. |
| 1072* | Change provisions of the Managed Care Patient Protection Act. |
| 1079* | Change consent filing provisions relating to adoption. |
| 1142*** | Establish a limit on real property tax valuation increases. |
| 1159* | Change state aid to education calculations relating to adjusted formula membership. |
| 1197* | Change cost grouping provisions for state aid to schools. |
| 1247* | Appropriate funds to school districts and local systems. |
| 1263* | Authorize transfer of real property by affidavit under the Nebraska Probate Code. |
| 1299* | Limit political subdivision and state immunity for certain claims. |
| 1328* | Create the New Frontiers School Fund and provide for grants. |
| 1330* | Change the Political Subdivisions Self-Funding Benefits Act to allow political subdivisions to act jointly. |
| 1353* | Establish the Office of Community Corrections and provide for local boards and financial aid for programs. |

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.

88* Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**DAVID I. MAURSTAD**

**LB**

24* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.

24A Appropriation Bill.

27* Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.

125* Provide an exemption of certain standards relating to elevators.

213 Appropriate funds to the Department of Education for vocational rehabilitation.

214 Appropriate funds to the Nebraska State Historical Society to be used to purchase microfiche readers.

218* Change provisions relating to protection and suppression orders and the county court.

265* Prohibit acts relating to stolen motor vehicles and major component parts.

280* Prohibit same sex marriages.

465* Adopt the Concealed Handgun License Act.

508* Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.

514* Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.

669* State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.

768* Change contribution restrictions on campaign committees.

776* Provide for energy financing contracts.

790* Provide immunity in actions relating to job references.

799* Provide for grants for arts and humanities funding.

833 State intent relating to funding for the Parents of All Ages Program in the Department of Health and Human Services Finance and Support.

878* Authorize employee buy-out programs for state government.

913 Change provisions relating to income tax.

914* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.

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| 915* | Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity. |
| 916 | Change the sales tax rate. |
| 939* | Change investment and employment requirements under the Quality Jobs Act. |
| 981* | Define "unborn person" and redefine "person" relating to homicide. |
| 988* | Provide for a transfer from the Cash Reserve Fund. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1041* | Change children-related provisions and conform state law to the federal Adoption and Safe Families Act of 1997. |
| 1061* | Allow an income tax credit to married persons from self-employment earnings. |
| 1062* | Change income tax return filing requirements. |
| 1070*** | Adopt the Nebraska Health Care Trust Fund Act and the Native American Public Health Act. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1100* | Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects. |
| 1103 | Redefine "special education allowance" for purposes of state aid to schools. |
| 1104* | Change property tax and sales tax provisions and funding provisions. |
| 1109* | Change the income tax rate schedules. |
| 1116*** | Change income tax provisions and eliminate a transfer of cash reserve funds. |
| 1135* | Adopt the Peace Officer Employer-Employee Relations Act. |
| 1164* | Provide requirements for contracts between certain insurance agents and companies. |
| 1173* | Appropriate funds for construction of a center for excellence in electronics. |
| 1181 | Change marriage and family therapist certification requirements. |
| 1182 | Change distribution of lottery proceeds. |
| 1183* | Appropriate funds for the Foster Grandparent Program. |
| 1185* | Change local option sales tax election provisions. |
| 1214* | Authorize covenant marriages. |
| 1230 | Adopt the Insurance Sales Consumer Protection Act. |
| 1243* | Change political subdivision election, ordinance, officer and meeting provisions. |
| 1327* | Exempt certain transfers of telecommunications equipment from sales and use tax. |
| 1330* | Change the Political Subdivisions Self-Funding Benefits Act to allow political subdivisions to act jointly. |
| 1341 | Change minimum salary provisions for county sheriffs. |

1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.
1361 Change income tax rates.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
52CA* Constitutional amendment to eliminate provisions relating to county and township officers.
62CA Constitutional amendment to require revenue from certain taxes and fees be used for maintenance of roads.
108 Encourage Congress to pass the proposed balanced budget amendment to the U.S. Constitution.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**JANIS MCKENZIE**
**(Carryover bills by former senator)**

**LB**

579A Appropriation Bill.
580 Provide and eliminate powers of public power districts.

**DWITE PEDERSEN**

**LB**

87 Change provisions relating to visitation of inmates.
102* Change provisions relating to allocation of capitol building space.
104* Eliminate a restriction on an additional amount of service surcharge for 911 service.
125* Provide an exemption of certain standards relating to elevators.
203* Eliminate a duty for sheriffs relating to the sex offenders.
204* Change registration duties and provide for disclosure and release of certain records relating to sex offenders.
265* Prohibit acts relating to stolen motor vehicles and major component parts.
266* Provide for confidentiality and ownership of DNA analysis results.
280* Prohibit same sex marriages.
281* Change fees for service of process.
301* Adopt the Court Appointed Special Advocate Act.
323* Adopt the Sexual Predator Act.
341* Adopt the Commission for the Blind and Visually Impaired Act.
350* Define terms and provide for owner liability relating to firearm ranges.
404* Change the number of county court, district court, and separate juvenile court judges.
404A Appropriation Bill.
465* Adopt the Concealed Handgun License Act.

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| 472 | Restrict the dispensing of certain controlled substances. |
| 497* | Change provisions relating to school employee retirement for Class V school districts. |
| 512* | Change placement and transportation costs provisions relating to juveniles. |
| 514* | Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program. |
| 528 | Provide a rebuttable presumption in certain cases of death or disability of sheriffs and deputy sheriffs. |
| 603* | Change provisions for suspension of driver's licenses and minors in possession of alcohol. |
| 603A | Appropriation Bill. |
| 611* | Change provisions relating to municipal corporate limits. |
| 628* | Change provisions relating to restitution for certain criminalistics procedures. |
| 648* | Provide for criminal penalties for assault on educational employees. |
| 757* | Provide the Nebraska Mental Health Commitment Act applicable to juveniles. |
| 760** | Change oversight and control of the secure youth facility. |
| 761 | Provide the Department of Correctional Services adopt rules and regulations relating to inmates. |
| 762 | Change provisions relating to practices allowed for athletic trainers. |
| 777* | Provide for parenting education courses in certain divorce actions. |
| 810* | Change provisions relating to interpreters for hearing impaired persons. |
| 881* | Authorize the use of an automated traffic enforcement system for detection of moving traffic violations. |
| 931* | Provide a sales and use tax exemption for certain voluntary fire and rescue organizations. |
| 937* | Adopt the Telemarketing and Prize Promotions Act. |
| 938* | Change provisions relating to the power of eminent domain by metropolitan cities. |
| 972* | Change provisions relating to notice of a minor's abortion. |
| 981* | Define "unborn person" and redefine "person" relating to homicide. |
| 988* | Provide for a transfer from the Cash Reserve Fund. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1056* | Change provisions relating to motor carriers. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1064 | Change provisions relating to abandoned vehicles. |
| 1065 | Change procedures relating to the Board of Parole. |

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| 1066 | Prohibit mental health regions from being direct service providers. |
| 1067 | Change provisions for the term of office for members of the Board of Parole. |
| 1069* | Change the number of county court and district court judges. |
| 1071* | Change provisions relating to disposition of seized property. |
| 1087* | Change provisions relating to title insurance. |
| 1088* | Change provisions relating to residential real property and disclosure statements. |
| 1094* | Authorize sale of insurance by banks, trust companies, and similar companies. |
| 1096* | Provide commitment procedures for sexually violent offenders. |
| 1102* | Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders. |
| 1104* | Change property tax and sales tax provisions and funding provisions. |
| 1112* | Require insurance coverage for mental health conditions. |
| 1134* | Change Tax Equity and Educational Opportunities Support Act provisions relating to reorganization incentives. |
| 1135* | Adopt the Peace Officer Employer-Employee Relations Act. |
| 1141* | Create the Neighborhood Development Cash Fund. |
| 1142*** | Establish a limit on real property tax valuation increases. |
| 1147* | Change eligibility criteria for specialized telecommunications equipment. |
| 1150 | Change Department of Correctional Services rule-making provisions. |
| 1151 | Change registration, taxation and fee provisions for motor vehicles owned by military personnel. |
| 1176*** | Adopt the Quality Work Force Academic Loan Program Act. |
| 1183* | Appropriate funds for the Foster Grandparent Program. |
| 1214* | Authorize covenant marriages. |
| 1221 | Change provisions relating to authorized visitation or work release of a committed offender. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1269 | Provide requirements for issuance of permits for vehicles exceeding size and weight limitations. |
| 1276* | Authorize regional services and provide standards for the education of the deaf and hard-of-hearing students. |
| 1299* | Limit political subdivision and state immunity for certain claims. |
| 1300* | Change classification of school district provisions. |
| 1327* | Exempt certain transfers of telecommunications equipment from sales and use tax. |

1337* Provide for a study and a task force relating to the juvenile justice system.
1338* Change provisions relating to trustees of sanitary and improvement districts.
1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.
1356 Provide for a community furlough program.
1360* Prohibit school-based health clinics and pregnancy testing and require certain parental notification.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**DON PEDERSON**

**LB**

280* Prohibit same sex marriages.
283* Change provisions relating to pawnbrokers and junk dealers.
302* Adopt the Counterfeiting Prevention and Trademark Protection Act.
350* Define terms and provide for owner liability relating to firearm ranges.
465* Adopt the Concealed Handgun License Act.
508* Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
640* Provide for brand license plates.
669* State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
695* Change provisions relating to county property tax relief and county criminal detention costs.
695A* Appropriation Bill.
791* Change provisions relating to contracts for certificated school employees.
924*** Create the Nebraska Information Technology Commission.
963* Authorize natural resources districts to establish weather modification programs.
988* Provide for a transfer from the Cash Reserve Fund.
1032* Change capital gains income tax provisions.
1041* Change children-related provisions and conform state law to the federal Adoption and Safe Families Act of 1997.
1053* Change provisions relating to the Rural Development Commission.
1059* Authorize reciprocal interstate law enforcement agreements.

1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.

1069* Change the number of county court and district court judges.

1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.

1104* Change property tax and sales tax provisions and funding provisions.

1158 Change provisions relating to the Commission on Uniform State Laws and judicial nominating commissions.

1159* Change state aid to education calculations relating to adjusted formula membership.

1196* Adopt the Livestock Waste Management Act.

1197* Change cost grouping provisions for state aid to schools.

1228* Adopt the Quality Education Accountability Act.

1229* Change eligibility criteria for educational funding and postsecondary education awards.

1263* Authorize transfer of real property by affidavit under the Nebraska Probate Code.

1278* Change petroleum release claim procedures.

1318* Adopt the Public Funds Deposit and Investment Regulation Act.

1327* Exempt certain transfers of telecommunications equipment from sales and use tax.

1328* Create the New Frontiers School Fund and provide for grants.

1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.

88* Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**CHRIS Z. PETERSON**

**LB**

280* Prohibit same sex marriages.

301* Adopt the Court Appointed Special Advocate Act.

514* Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.

602* Change and eliminate provisions for service areas relating to municipal power suppliers.

648* Provide for criminal penalties for assault on educational employees.

707* Change provisions for an emission fee collected from air pollution sources.
756* Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757* Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
838* Change provisions relating to student discipline.
937* Adopt the Telemarketing and Prize Promotions Act.
988* Provide for a transfer from the Cash Reserve Fund.
989*** Change budget limits for political subdivisions and school districts.
1003 Provide duties for the public defender regarding indigent persons involved in proceedings under the Juvenile Code.
1004* Change restrictions on use of the Nebraska Resources Development Fund.
1005* Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice to complete collocation of law enforcement training facilities.
1025* Change provisions relating to homestead exemption and individual disability exemptions.
1026* Change the fee for tax certificates and deeds.
1027* Change provisions relating to disabled veteran license plates.
1028*** Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund.
1029* Require interest on installment payments of fines and costs.
1030* Change provisions relating to motor vehicle registration.
1031* Redefine "eligible postsecondary educational institution" under the Postsecondary Education Award Program Act.
1032* Change capital gains income tax provisions.
1040* Enact the Health and Human Services, Office of Juvenile Services Act.
1042* Adopt the Unfair Discrimination Against Subjects of Abuse in Insurance Act.
1052* Change provisions relating to service by a municipally owned electric system or public power district.
1056* Change provisions relating to motor carriers.
1058* Change tobacco license and sale provisions.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1075* Adopt the Nebraska Municipal Comparability Act.
1082* Provide for a feasibility study of qualified state tuition programs and college savings plans.
1092* Change procedures for sale of real property for delinquent taxes.

1102* Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders.
1140 Change pharmacy drug dispensing, labeling, and transfer requirements.
1141* Create the Neighborhood Development Cash Fund.
1154* Adopt the Buffer Strip Act and change pesticide registration fees.
1183* Appropriate funds for the Foster Grandparent Program.
1228* Adopt the Quality Education Accountability Act.
1337* Provide for a study and a task force relating to the juvenile justice system.
1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.

LR
3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**DONALD G. PREISTER**

LB
124* Require certain employees to pay for collective bargaining.
207* Change provisions relating to grandparent visitation.
208 Provide for mitigation or waiver of penalties relating to environmental audits.
225* Change weekly benefit provisions under the Employment Security Act.
239* Lower the prohibited concentration of alcohol for DWI conviction.
276* Provide an income tax credit for earned income.
280* Prohibit same sex marriages.
318* Change provisions relating to regulation of natural gas rates and enforcement of the regulation.
323* Adopt the Sexual Predator Act.
341* Adopt the Commission for the Blind and Visually Impaired Act.
350* Define terms and provide for owner liability relating to firearm ranges.
369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
375* Prohibit smoking in state buildings and vehicles.
484* Provide for the suspension of tobacco licenses.
487* Prohibit the controlling of rent.
492* Provide an income tax credit for educational expenses.
494* Provide for Nebraska Environmental Heritage License Plates.
497* Change provisions relating to school employee retirement for Class V school districts.

501* Require net billing for customers using electricity generated by a wind or biomass electricity generator.
502* Prohibit the establishment of slaughterhouses near residential areas in metropolitan class cities.
514* Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
518*** Provide loans to public water supply systems.
552* Withdraw the State of Nebraska from the Central Interstate Low-Level Radioactive Waste Compact.
571* Provide for different rates, tolls, and rents relating to wind energy resources.
606* Provide for certain rights for crime victims.
616* Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.
628* Change provisions relating to restitution for certain criminalistics procedures.
648* Provide for criminal penalties for assault on educational employees.
718* Change provisions relating to instream water appropriations.
756* Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757* Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
792* Provide for access to state public records and authorize fees.
805 Change provisions for public letting and contract requirements.
845* Change penalty provisions for possession of marijuana.
866 Change provisions for the commercial exploitation or exportation of certain aquatic organisms under the Game Law.
867* State intent relating to renewable energy resources.
915* Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity.
949*** Adopt the Department of Health and Human Services Tobacco Central Registry Act.
974* Ratify the Emergency Management Assistance Compact.
978* Change provisions relating to rating systems for automobile liability policies.
979* Require disclosure of rating factors for automobile liability insurance.
980* Change provisions relating to application forms and deadlines for homestead exemptions.
981* Define "unborn person" and redefine "person" relating to homicide.

985* Require insurance coverage for diabetes-related equipment, supplies, medication and education.
1001* Change retail liquor license hearing provisions.
1010* Change provisions relating to workers' compensation medical issues and elections.
1028*** Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund.
1030* Change provisions relating to motor vehicle registration.
1033* Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles.
1052* Change provisions relating to service by a municipally owned electric system or public power district.
1053* Change provisions relating to the Rural Development Commission.
1058* Change tobacco license and sale provisions.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1069* Change the number of county court and district court judges.
1112* Require insurance coverage for mental health conditions.
1128* Change investment authority for trustees of certain pension systems.
1135* Adopt the Peace Officer Employer-Employee Relations Act.
1141* Create the Neighborhood Development Cash Fund.
1142*** Establish a limit on real property tax valuation increases.
1161* Change provisions relating to water wells, geologists, weather programs, motor fuels, petroleum release, handling and storage, and scrap tires.
1196* Adopt the Livestock Waste Management Act.
1259* Change enterprise zone association board provisions.
1278* Change petroleum release claim procedures.
1292* Change income levels for homestead exemptions.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
54 Propose an amendment to the U.S. Constitution relating to the protection of natural resources.

**RON RAIKES**

**LB**

611* Change provisions relating to municipal corporate limits.
924*** Create the Nebraska Information Technology Commission.
939* Change investment and employment requirements under the Quality Jobs Act.
989*** Change budget limits for political subdivisions and school districts.

1028*** Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund.
1032* Change capital gains income tax provisions.
1053* Change provisions relating to the Rural Development Commission.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1095* Provide the State Fire Marshal with duties relating to housing accessibility standards.
1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.
1104* Change property tax and sales tax provisions and funding provisions.
1104A Appropriation Bill.
1109* Change the income tax rate schedules.
1172* Eliminate certain grain checkoff provisions.
1173* Appropriate funds for construction of a center for excellence in electronics.
1176*** Adopt the Quality Work Force Academic Loan Program Act.
1196* Adopt the Livestock Waste Management Act.
1199* Provide for storm water facility construction and grants relating to the Antelope Creek valley.
1217* Eliminate the office of county superintendent of schools.
1228* Adopt the Quality Education Accountability Act.
1229* Change eligibility criteria for educational funding and postsecondary education awards.
1254 Provide adjustments to political subdivision budget limitations.
1270* Provide duties for primary high school districts.
1280 Change Class I school district budget provisions.
1327* Exempt certain transfers of telecommunications equipment from sales and use tax.

LR
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**JENNIE ROBAK**

LB
83* Require insurance coverage for serious mental illnesses.
93* Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
125* Provide an exemption of certain standards relating to elevators.
203* Eliminate a duty for sheriffs relating to the sex offenders.

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| 204* | Change registration duties and provide for disclosure and release of certain records relating to sex offenders. |
| 227 | Provide procedures for objections to applications relating to proceedings in forma pauperis. |
| 243 | Provide rights for patients with mental illness. |
| 280* | Prohibit same sex marriages. |
| 293 | Change provisions relating to resisting arrest. |
| 296* | Provide an income tax adjustment for federal governmental pensions. |
| 323* | Adopt the Sexual Predator Act. |
| 350* | Define terms and provide for owner liability relating to firearm ranges. |
| 392* | Change provisions relating to temporary custody and detention or placement of juveniles. |
| 447* | Change provisions relating to contracts for fire and ambulance service. |
| 465* | Adopt the Concealed Handgun License Act. |
| 467* | Change provisions relating to tobacco licenses and tobacco products and minors. |
| 532* | Provide a supplemental retirement benefit for certain eligible retirees. |
| 534 | Change provisions relating to lotteries and gambling. |
| 736 | State intent relating to mental health services and provide for psychiatric or psychosocial rehabilitation. |
| 810* | Change provisions relating to interpreters for hearing impaired persons. |
| 930* | Require a reduction in property tax levies in certain situations. |
| 937* | Adopt the Telemarketing and Prize Promotions Act. |
| 938* | Change provisions relating to the power of eminent domain by metropolitan cities. |
| 999* | Change penalties for liquor law violations by minors. |
| 1000* | Provide for minor's driver's licenses and minor's identification cards. |
| 1007 | Provide state reimbursement for election expenses relating to constitutional amendments. |
| 1007A | Appropriation Bill. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1033* | Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles. |
| 1043* | Change provisions for computer related gambling activity. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |

1097* Change retail liquor license suspension provisions.
1102* Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders.
1112* Require insurance coverage for mental health conditions.
1117* Create a class of peace officer known as constable and provide powers and duties.
1127 Create the Juvenile Division of the Attorney General's Office and require reporting and investigation of the death of a child.
1139* Establish a hate crimes task force.
1141* Create the Neighborhood Development Cash Fund.
1165 Prohibit drug product selection for certain products.
1196* Adopt the Livestock Waste Management Act.
1222 Change lottery ticket, mechanical amusement device and occupation tax provisions.
1226* Require a levy for support of county libraries.
1227* Provide an income tax adjustment for federal governmental pensions.
1247* Appropriate funds to school districts and local systems.
1317 Create a teen court program.
1354* Change provisions relating to behavioral health services, medication aides, and the remains of indigent persons.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
53* Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## C. N. "BUD" ROBINSON

**LB**

45* Change provisions for location of retail liquor licensees.
64* Change provisions relating to payment of costs of certain elections.
125* Provide an exemption of certain standards relating to elevators.
228* Provide a penalty for destroying initiative and referendum petitions.
375* Prohibit smoking in state buildings and vehicles.
467* Change provisions relating to tobacco licenses and tobacco products and minors.
483* Adopt the Nebraska Plane Coordinate System Act.
591* Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.

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| 594*** | Change provisions for disbursements from the Waste Reduction and Recycling Incentive Fund. |
| 607* | Provide procedures for drawing legislative and congressional district boundaries. |
| 638* | Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State. |
| 792* | Provide for access to state public records and authorize fees. |
| 793* | Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units. |
| 822* | Change retirement annuity and retirement age provisions under the School Employees Retirement Plan. |
| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 881* | Authorize the use of an automated traffic enforcement system for detection of moving traffic violations. |
| 975* | Change public hearing provisions for proposed budget statements of political subdivisions. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1068* | Change provisions relating to petition circulators. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1089* | Authorize creation of joint public agencies. |
| 1099* | Authorize a local option sales tax for metropolitan class cities. |
| 1104* | Change property tax and sales tax provisions and funding provisions. |
| 1116*** | Change income tax provisions and eliminate a transfer of cash reserve funds. |
| 1119* | Adopt the Mutual Finance Assistance Act. |
| 1120* | Change public safety provisions. |
| 1129* | Change provisions relating to governmental facilities and contracts. |
| 1133* | Provide lump-sum state aid payments as prescribed. |
| 1134* | Change Tax Equity and Educational Opportunities Support Act provisions relating to reorganization incentives. |
| 1141* | Create the Neighborhood Development Cash Fund. |
| 1144 | Change provisions relating to the Scrap Tire Reduction and Recycling Incentive Fund. |
| 1154* | Adopt the Buffer Strip Act and change pesticide registration fees. |
| 1163* | Require all school districts employ school nurses. |
| 1167 | Change provisions for verification of signatures and other information on initiative and referendum petitions. |
| 1184* | Change public bidding provisions. |
| 1299* | Limit political subdivision and state immunity for certain claims. |

1319* Create the Commission for the Study of County Government.

1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.

5CA* Constitutional amendment to change provisions relating to legislative sessions.

6CA* Constitutional amendment to require the Legislature to prescribe the qualifications for members of the State Board of Education.

41CA* Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

52CA* Constitutional amendment to eliminate provisions relating to county and township officers.

**STAN SCHELLPEPER**

**LB**

84 Provide the manner of taxing replacement tangible personal property.

93* Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.

120* Change provisions relating to sales by liquor retail establishments which provide motor vehicle access directly through the building.

178* Provide for consolidation of counties and municipalities and creation of classified local governments.

228* Provide a penalty for destroying initiative and referendum petitions.

249A Appropriation Bill.

280* Prohibit same sex marriages.

306 Change property tax provisions.

329 State findings relating to public power districts and authorize loans.

350* Define terms and provide for owner liability relating to firearm ranges.

394* Provide funds for capital improvements for state colleges.

465* Adopt the Concealed Handgun License Act.

465A Appropriation Bill.

522 Authorize the use of electronic pickle card dispensing devices.

552* Withdraw the State of Nebraska from the Central Interstate Low-Level Radioactive Waste Compact.

583* Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.

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| 591* | Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act. |
| 606* | Provide for certain rights for crime victims. |
| 637* | Provide for the election of the board of directors of a municipal electric utility for primary class cities. |
| 654* | Provide for the merger of municipally owned electric utilities. |
| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 989*** | Change budget limits for political subdivisions and school districts. |
| 999* | Change penalties for liquor law violations by minors. |
| 1000* | Provide for minor's driver's licenses and minor's identification cards. |
| 1001* | Change retail liquor license hearing provisions. |
| 1022* | Change penalties for minors obtaining alcoholic liquor. |
| 1032* | Change capital gains income tax provisions. |
| 1043* | Change provisions for computer related gambling activity. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1086 | Change horseracing wager provisions. |
| 1098 | Change provisions for sale and delivery of alcoholic liquor. |
| 1113 | Change horseracing simulcast license provisions. |
| 1117* | Create a class of peace officer known as constable and provide powers and duties. |
| 1138* | Appropriate funds for renewal, renovation, and construction projects at Peru State College. |
| 1154* | Adopt the Buffer Strip Act and change pesticide registration fees. |
| 1168* | Change provisions relating to agister's liens. |
| 1193* | Require reports of ownership of real estate involved in farming or ranching and change provisions of the Nebraska Right to Farm Act. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1218 | Require the Supreme Court to pay certain security costs. |
| 1241 | Change provisions relating to horseracing taxes. |
| 1247* | Appropriate funds to school districts and local systems. |
| 1248* | Include grain warehouses in the Nebraska Right to Farm Act. |
| 1296 | Adopt the Beginner Farmer Tax Credit Act. |
| 1327* | Exempt certain transfers of telecommunications equipment from sales and use tax. |

1330* Change the Political Subdivisions Self-Funding Benefits Act to allow political subdivisions to act jointly.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.

41CA* Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

**DiAnna R. SCHIMEK**

**LB**

50 Change provisions relating to kindergarten entrance.

92 Change provisions relating to clinical privileges for psychologists.

124* Require certain employees to pay for collective bargaining.

131* Prohibit campaign contributions during legislative sessions.

207* Change provisions relating to grandparent visitation.

228* Provide a penalty for destroying initiative and referendum petitions.

266* Provide for confidentiality and ownership of DNA analysis results.

296* Provide an income tax adjustment for federal governmental pensions.

321* Require reports of late expenditures under the Nebraska Political Accountability and Disclosure Act.

323* Adopt the Sexual Predator Act.

376 Change provisions relating to liability insurance procurement by county boards.

383* Adopt the Charitable Solicitation Registration Act.

449 Provide duties for prime contractors, primary lenders and mortgagees under the Nebraska Construction Lien Act.

481 Authorize rent control for certain persons.

501* Require net billing for customers using electricity generated by a wind or biomass electricity generator.

583* Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.

584 Change provisions relating to a waste reduction and recycling fee.

585* Change the number of members and districts of the Game and Parks Commission.

591* Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.

593* Adopt the Attorney-Client Conference Act.

594*** Change provisions for disbursements from the Waste Reduction and Recycling Incentive Fund.

638* Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.

718* Change provisions relating to instream water appropriations.
777* Provide for parenting education courses in certain divorce actions.
810* Change provisions relating to interpreters for hearing impaired persons.
836 Change renewal provisions for permanent handicapped parking permits.
849* Require insurance coverage for certain drugs used in the treatment of HIV, cancer or AIDS.
870* Provide revenue sources for the Affordable Housing Trust Fund.
914* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
920 Allow an income tax credit for certain political contributions.
937* Adopt the Telemarketing and Prize Promotions Act.
949*** Adopt the Department of Health and Human Services Tobacco Central Registry Act.
985* Require insurance coverage for diabetes-related equipment, supplies, medication and education.
1001* Change retail liquor license hearing provisions.
1010* Change provisions relating to workers' compensation medical issues and elections.
1042* Adopt the Unfair Discrimination Against Subjects of Abuse in Insurance Act.
1053* Change provisions relating to the Rural Development Commission.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1068* Change provisions relating to petition circulators.
1069* Change the number of county court and district court judges.
1093* Create the Nebraska Volunteer Service Commission.
1112* Require insurance coverage for mental health conditions.
1129* Change provisions relating to governmental facilities and contracts.
1131 Provide an adjustment to income for pension and retirement pay for tax purposes.
1141* Create the Neighborhood Development Cash Fund.
1157* Prohibit railroads from obstructing highways in first and second class cities and villages.
1166* Prohibit tattooing and body piercing on minors.
1173* Appropriate funds for construction of a center for excellence in electronics.
1176*** Adopt the Quality Work Force Academic Loan Program Act.

1194* Authorize health insurance benefits for temporary state employees.
1199* Provide for storm water facility construction and grants relating to the Antelope Creek valley.
1200* Change provisions relating to the Nebraska Tree Recovery Program.
1227* Provide an income tax adjustment for federal governmental pensions.
1228* Adopt the Quality Education Accountability Act.
1229* Change eligibility criteria for educational funding and postsecondary education awards.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
7CA* Constitutional amendment to change the percentage of petition signatures required for initiative and referendum measures.
15CA* Constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender.
41CA* Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.
45CA* Constitutional amendment relating to motor vehicle taxes, local government merger and consolidation, taxation of governmental property, and townships.
53* Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## JERRY SCHMITT

**LB**

125* Provide an exemption of certain standards relating to elevators.
146* Prohibit disciplinary action based solely on an experimental or nontraditional practice or therapy under the Uniform Licensing Law.
155* Redefine a term for purposes of the Game Law.
162* Prohibit ticket quota requirements for law enforcement.
280* Prohibit same sex marriages.
281* Change fees for service of process.
323* Adopt the Sexual Predator Act.
350* Define terms and provide for owner liability relating to firearm ranges.
369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.

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| 465* | Adopt the Concealed Handgun License Act. |
| 565* | Provide for pretrial diversion programs for persons charged with minor traffic offenses. |
| 583* | Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator. |
| 638* | Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State. |
| 640* | Provide for brand license plates. |
| 709 | Phase out the tuition credit for members of the Nebraska-based unit of the Active Selective Reserve of the armed forces. |
| 792* | Provide for access to state public records and authorize fees. |
| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 830* | Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur. |
| 868* | Provide a restriction on names for non-deposit-taking bank branch offices. |
| 952* | Authorize the use of laetrile under certain circumstances. |
| 965 | Permit a board of trustees of a county medical facility to have seven members. |
| 966* | Provide fees received by political subdivisions for conducting pretrial diversion programs be remitted to the political subdivision's general fund. |
| 967* | Change provisions relating to livestock brands. |
| 968 | Require the Director of Regulation and Licensure to attend certain proceedings regarding license renewal and disciplinary actions. |
| 1004* | Change restrictions on use of the Nebraska Resources Development Fund. |
| 1005* | Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice to complete collocation of law enforcement training facilities. |
| 1025* | Change provisions relating to homestead exemption and individual disability exemptions. |
| 1027* | Change provisions relating to disabled veteran license plates. |
| 1029* | Require interest on installment payments of fines and costs. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1112* | Require insurance coverage for mental health conditions. |
| 1135* | Adopt the Peace Officer Employer-Employee Relations Act. |

1138* Appropriate funds for renewal, renovation, and construction projects at Peru State College.
1152* Provide for county interim zoning measures and powers.
1154* Adopt the Buffer Strip Act and change pesticide registration fees.
1168* Change provisions relating to agister's liens.
1226* Require a levy for support of county libraries.
1248* Include grain warehouses in the Nebraska Right to Farm Act.
1278* Change petroleum release claim procedures.
1331* Change levy, budget, and transfer of land provisions for Class I school districts.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## ED SCHROCK

**LB**

65* Prohibit certain advertising practices relating to tobacco.
72* Change provisions relating to license plates issued to handicapped or disabled persons.
237* Change provisions for the regulation of structures relating to aeronautics.
239* Lower the prohibited concentration of alcohol for DWI conviction.
280* Prohibit same sex marriages.
323* Adopt the Sexual Predator Act.
350* Define terms and provide for owner liability relating to firearm ranges.
369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
465* Adopt the Concealed Handgun License Act.
508* Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
616* Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.
640* Provide for brand license plates.
648* Provide for criminal penalties for assault on educational employees.
793* Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.

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| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 830* | Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur. |
| 915* | Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity. |
| 939* | Change investment and employment requirements under the Quality Jobs Act. |
| 963* | Authorize natural resources districts to establish weather modification programs. |
| 984* | Provide highway and collision action restrictions relating to livestock. |
| 1010* | Change provisions relating to workers' compensation medical issues and elections. |
| 1024* | Change qualifications of the Director of Environmental Quality. |
| 1032* | Change capital gains income tax provisions. |
| 1033* | Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1154* | Adopt the Buffer Strip Act and change pesticide registration fees. |
| 1161* | Change provisions relating to water wells, geologists, weather programs, motor fuels, petroleum release, handling and storage, and scrap tires. |
| 1161A* | Appropriation Bill. |
| 1172* | Eliminate certain grain checkoff provisions. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1197* | Change cost grouping provisions for state aid to schools. |
| 1207 | Authorize farm trucks to use Nebraska Cornhusker Spirit Plates. |
| 1208 | Change controlled shooting area provisions. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1229* | Change eligibility criteria for educational funding and postsecondary education awards. |
| 1247* | Appropriate funds to school districts and local systems. |
| 1248* | Include grain warehouses in the Nebraska Right to Farm Act. |
| 1278* | Change petroleum release claim procedures. |
| 1322 | Provide for licensure of outfitters and authorize the issuance of certain hunting permits. |

1325* Provide for issuance of a certificate of title for historical vehicles.
1330* Change the Political Subdivisions Self-Funding Benefits Act to allow political subdivisions to act jointly.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA* Constitutional amendment to change provisions relating to legislative sessions.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**ELAINE STUHR**

**LB**

24* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
27* Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
48* Authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies.
125* Provide an exemption of certain standards relating to elevators.
164* Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
207* Change provisions relating to grandparent visitation.
280* Prohibit same sex marriages.
281* Change fees for service of process.
369* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
419* Provide for reorganization of educational service units.
465* Adopt the Concealed Handgun License Act.
490 Change provisions relating to the child protection case central registry.
532A* Appropriation Bill.
638* Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
756* Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757* Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
777* Provide for parenting education courses in certain divorce actions.
791* Change provisions relating to contracts for certificated school employees.
792* Provide for access to state public records and authorize fees.

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| 803* | Adopt the Community-Based Neurobehavioral Rehabilitation Act. |
| 807 | Adopt the First Chance Vocational Education Act. |
| 822* | Change retirement annuity and retirement age provisions under the School Employees Retirement Plan. |
| 915* | Appropriate funds to the Department of Health and Human Services Finance and Support, for developmental disability services rate equity. |
| 963* | Authorize natural resources districts to establish weather modification programs. |
| 985* | Require insurance coverage for diabetes-related equipment, supplies, medication and education. |
| 988* | Provide for a transfer from the Cash Reserve Fund. |
| 989*** | Change budget limits for political subdivisions and school districts. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1095* | Provide the State Fire Marshal with duties relating to housing accessibility standards. |
| 1102* | Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders. |
| 1126 | Adopt the Buffer Strip Act. |
| 1126A | Appropriation Bill. |
| 1134* | Change Tax Equity and Educational Opportunities Support Act provisions relating to reorganization incentives. |
| 1138* | Appropriate funds for renewal, renovation, and construction projects at Peru State College. |
| 1154* | Adopt the Buffer Strip Act and change pesticide registration fees. |
| 1154A* | Change an appropriation. |
| 1161* | Change provisions relating to water wells, geologists, weather programs, motor fuels, petroleum release, handling and storage, and scrap tires. |
| 1166* | Prohibit tattooing and body piercing on minors. |
| 1172* | Eliminate certain grain checkoff provisions. |
| 1186* | Eliminate agricultural and horticultural land valuation boards and land manual areas. |
| 1191A* | Appropriation Bill. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1217* | Eliminate the office of county superintendent of schools. |
| 1219* | Provide for unified school systems and temporary mitigation funds. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1247* | Appropriate funds to school districts and local systems. |
| 1248* | Include grain warehouses in the Nebraska Right to Farm Act. |
| 1278* | Change petroleum release claim procedures. |

1359* Change school financing cost grouping provisions.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.

5CA* Constitutional amendment to change provisions relating to legislative sessions.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**DEBORAH S. SUTTLE**

**LB**

65* Prohibit certain advertising practices relating to tobacco.

104* Eliminate a restriction on an additional amount of service surcharge for 911 service.

225* Change weekly benefit provisions under the Employment Security Act.

301* Adopt the Court Appointed Special Advocate Act.

323* Adopt the Sexual Predator Act.

392* Change provisions relating to temporary custody and detention or placement of juveniles.

484* Provide for the suspension of tobacco licenses.

497* Change provisions relating to school employee retirement for Class V school districts.

514* Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.

648* Provide for criminal penalties for assault on educational employees.

756* Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.

838* Change provisions relating to student discipline.

845* Change penalty provisions for possession of marijuana.

849* Require insurance coverage for certain drugs used in the treatment of HIV, cancer or AIDS.

910 Change provisions relating to compulsory education.

911 Change the rate of interest on delinquent taxes and special assessments owed to political subdivisions.

912 Provide for regulation of nail technology practitioners, establishments, and education.

931* Provide a sales and use tax exemption for certain voluntary fire and rescue organizations.

938* Change provisions relating to the power of eminent domain by metropolitan cities.

949*** Adopt the Department of Health and Human Services Tobacco Central Registry Act.

985* Require insurance coverage for diabetes-related equipment, supplies, medication and education.

1028*** Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund.

1040* Enact the Health and Human Services, Office of Juvenile Services Act.
1053* Change provisions relating to the Rural Development Commission.
1058* Change tobacco license and sale provisions.
1063*** Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability.
1069* Change the number of county court and district court judges.
1071* Change provisions relating to disposition of seized property.
1091* Change certified nurse midwife practice provisions.
1093* Create the Nebraska Volunteer Service Commission.
1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.
1102* Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders.
1112* Require insurance coverage for mental health conditions.
1116*** Change income tax provisions and eliminate a transfer of cash reserve funds.
1132 Include mobile homes in the Disposition of Personal Property Landlord and Tenant Act.
1141* Create the Neighborhood Development Cash Fund.
1142*** Establish a limit on real property tax valuation increases.
1163* Require all school districts employ school nurses.
1166* Prohibit tattooing and body piercing on minors.
1171* Change provisions relating to personal watercrafts.
1176*** Adopt the Quality Work Force Academic Loan Program Act.
1183* Appropriate funds for the Foster Grandparent Program.
1188* Change reckless driving provisions.
1217* Eliminate the office of county superintendent of schools.
1219* Provide for unified school systems and temporary mitigation funds.
1228* Adopt the Quality Education Accountability Act.
1229* Change eligibility criteria for educational funding and postsecondary education awards.
1337* Provide for a study and a task force relating to the juvenile justice system.
1344* Provide for written absenteeism and truancy policies for schools.

**LR**

315CA*** Constitutional amendment to provide for merger or consolidation of counties or other local governments.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## NANCY P. THOMPSON

| LB | |
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| 301* | Adopt the Court Appointed Special Advocate Act. |
| 536 | Change provisions relating to costs of care and treatment of certain juveniles. |
| 909* | Provide for issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies. |
| 939* | Change investment and employment requirements under the Quality Jobs Act. |
| 985* | Require insurance coverage for diabetes-related equipment, supplies, medication and education. |
| 988* | Provide for a transfer from the Cash Reserve Fund. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1040* | Enact the Health and Human Services, Office of Juvenile Services Act. |
| 1058* | Change tobacco license and sale provisions. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |
| 1093* | Create the Nebraska Volunteer Service Commission. |
| 1099* | Authorize a local option sales tax for metropolitan class cities. |
| 1102* | Change provisions relating to stalking, domestic abuse, protection orders, and provide for harassment restraining orders. |
| 1112* | Require insurance coverage for mental health conditions. |
| 1114* | Provide economic development incentives for workers. |
| 1135* | Adopt the Peace Officer Employer-Employee Relations Act. |
| 1142*** | Establish a limit on real property tax valuation increases. |
| 1176*** | Adopt the Quality Work Force Academic Loan Program Act. |
| 1188* | Change reckless driving provisions. |
| 1227* | Provide an income tax adjustment for federal governmental pensions. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1299* | Limit political subdivision and state immunity for certain claims. |
| 1337* | Provide for a study and a task force relating to the juvenile justice system. |
| 1338* | Change provisions relating to trustees of sanitary and improvement districts. |
| 1339 | Change pharmacy provisions relating to the sale or purchase of dialysis drugs and devices. |

1344* Provide for written absenteeism and truancy policies for schools.

**LR**

315CA*** Constitutional amendment to provide for merger or consolidation of counties or other local governments.

317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## EUGENE TYSON

**LB**

160* Change notice requirements for proposed budget statements for villages.

241* Change provisions relating to prosecutions for sale of liquor to a minor.

280* Prohibit same sex marriages.

281* Change fees for service of process.

350* Define terms and provide for owner liability relating to firearm ranges.

391 Provide penalties for minors in possession of marijuana.

394* Provide funds for capital improvements for state colleges.

465* Adopt the Concealed Handgun License Act.

499 Change and eliminate provisions relating to sale or lease of equipment and property of public power districts.

521 Provide an increase in the fine a second class city or village may impose for violation of an ordinance.

638* Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.

648* Provide for criminal penalties for assault on educational employees.

748 Provide liability for cleanup costs as a result of a hazardous substance emergency.

793* Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.

834 Change a provision for combined tax relating to the Employment Security Law.

944 Provide certain executive officers of nonprofit corporations shall not be employees of such corporations under the Nebraska Workers' Compensation Act.

945 Change the dollar value required of an abandoned vehicle in order for title to vest in the local authority.

946 Eliminate bond requirements for first and second class cities and villages.

947* Create the Task Force for the Nebraska State Radio Communication System.

1014* Exempt certain United States Postal Service delivery charges from sales and use taxes.

1026* Change the fee for tax certificates and deeds.

1028*** Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund.
1031* Redefine "eligible postsecondary educational institution" under the Postsecondary Education Award Program Act.
1032* Change capital gains income tax provisions.
1033* Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles.
1053* Change provisions relating to the Rural Development Commission.
1075* Adopt the Nebraska Municipal Comparability Act.
1116*** Change income tax provisions and eliminate a transfer of cash reserve funds.
1138* Appropriate funds for renewal, renovation, and construction projects at Peru State College.
1164* Provide requirements for contracts between certain insurance agents and companies.
1196* Adopt the Livestock Waste Management Act.
1214* Authorize covenant marriages.
1243* Change political subdivision election, ordinance, officer and meeting provisions.
1310 Change solid waste, utility billing, and landfill disposal fee provisions.
1311 Change levy provisions for city airport authorities.
1330* Change the Political Subdivisions Self-Funding Benefits Act to allow political subdivisions to act jointly.
1331* Change levy, budget, and transfer of land provisions for Class I school districts.
1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.
1354* Change provisions relating to behavioral health services, medication aides, and the remains of indigent persons.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## FLOYD P. VRTISKA

**LB**

24* Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
32 Change provisions relating to experience accounts for purposes of employment security.
33* Change provisions relating to computer records maintained by the Register of Deeds.
38 Redefine a term relating to workers' compensation.
39 Redefine "state agency" under the State Tort Claims Act.

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| 64* | Change provisions relating to payment of costs of certain elections. |
| 102* | Change provisions relating to allocation of capitol building space. |
| 125* | Provide an exemption of certain standards relating to elevators. |
| 160* | Change notice requirements for proposed budget statements for villages. |
| 164* | Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants. |
| 211* | Require certain reports of ownership of real estate involved in farming or ranching. |
| 215 | Provide record confidentiality relating to workers' compensation. |
| 239* | Lower the prohibited concentration of alcohol for DWI conviction. |
| 280* | Prohibit same sex marriages. |
| 350* | Define terms and provide for owner liability relating to firearm ranges. |
| 465* | Adopt the Concealed Handgun License Act. |
| 473* | Change provisions relating to limited hunting permits. |
| 574* | Adopt the County Initiative and Referendum Act. |
| 585* | Change the number of members and districts of the Game and Parks Commission. |
| 606* | Provide for certain rights for crime victims. |
| 638* | Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State. |
| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 938* | Change provisions relating to the power of eminent domain by metropolitan cities. |
| 941* | Change provisions relating to penalties and suspension of retail liquor licenses. |
| 999* | Change penalties for liquor law violations by minors. |
| 1000* | Provide for minor's driver's licenses and minor's identification cards. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |
| 1075* | Adopt the Nebraska Municipal Comparability Act. |
| 1092* | Change procedures for sale of real property for delinquent taxes. |
| 1100* | Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects. |

1134* Change Tax Equity and Educational Opportunities Support Act provisions relating to reorganization incentives.
1138* Appropriate funds for renewal, renovation, and construction projects at Peru State College.
1152* Provide for county interim zoning measures and powers.
1172* Eliminate certain grain checkoff provisions.
1178 Allow state chartered savings and loan associations equal power as federal associations.
1184* Change public bidding provisions.
1195 Change cigarette tax rate and distribution.
1196* Adopt the Livestock Waste Management Act.
1247* Appropriate funds to school districts and local systems.
1248* Include grain warehouses in the Nebraska Right to Farm Act.
1274 Change correctional services provisions for juveniles and rename a fund.
1275 Provide for the offense of sexual assault of an inmate or parolee.
1281 Adopt the Economic Revitalization Act.
1331* Change levy, budget, and transfer of land provisions for Class I school districts.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA* Constitutional amendment to change provisions relating to legislative sessions.
53* Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.
319CA Constitutional amendment to provide for the election of trustees for the governing board of the state colleges.

**JEROME WARNER**
**(Carryover bills by former senator)**

**LB**

14* Change provisions for salaries of the state officers.
653 Provide an exemption for hobby boilers under the Boiler Inspection Act.
673 Appropriate funds to the Nebraska State Historical Society to provide support for the Gerald R. Ford Conservation Center.

**LR**

44CA Constitutional amendment to eliminate provisions relating to the Public Service Commission.

## ROGER R. WEHRBEIN

| LB | |
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| 59 | Change the boundary line between Missouri and Nebraska. |
| 60 | Appropriate funds for the expenses of state government. |
| 63 | Provide for a transfer from the Cash Reserve Fund. |
| 74* | Change provisions relating to Nebraska Cornhusker Spirit Plates. |
| 102* | Change provisions relating to allocation of capitol building space. |
| 125* | Provide an exemption of certain standards relating to elevators. |
| 164* | Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants. |
| 239* | Lower the prohibited concentration of alcohol for DWI conviction. |
| 280* | Prohibit same sex marriages. |
| 369* | Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists. |
| 465* | Adopt the Concealed Handgun License Act. |
| 473* | Change provisions relating to limited hunting permits. |
| 640* | Provide for brand license plates. |
| 669* | State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A. |
| 695A* | Appropriation Bill. |
| 844** | Appropriate funds to the Department of Correctional Services for acquisition of property previously operated as Rivendell Psychiatric Hospital. |
| 924*** | Create the Nebraska Information Technology Commission. |
| 939* | Change investment and employment requirements under the Quality Jobs Act. |
| 976 | Direct Board of Trustees of the Nebraska State Colleges to provide a plan regarding Peru State College. |
| 984* | Provide highway and collision action restrictions relating to livestock. |
| 988* | Provide for a transfer from the Cash Reserve Fund. |
| 1018 | Change court related debt collection provisions. |
| 1019 | Change school bus stop signal arm violation provisions. |
| 1020 | Authorize waivers of the open burning ban. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1032* | Change capital gains income tax provisions. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |

1075* Adopt the Nebraska Municipal Comparability Act.
1084 Change allocation provisions under the Wastewater Treatment Facilities Construction Assistance Act.
1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.
1110* Change provisions relating to educational service units and funding of core services.
1118 Establish restrictions on use of the State Visitors Promotion Cash Fund.
1157* Prohibit railroads from obstructing highways in first and second class cities and villages.
1168* Change provisions relating to agister's liens.
1196* Adopt the Livestock Waste Management Act.
1206 Appropriate funds for certain pathogenic agent research.
1256* Provide for loans to political subdivisions under the Nebraska Highway Bond Act.
1353* Establish the Office of Community Corrections and provide for local boards and financial aid for programs.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

## DON WESELY

**LB**

259 Adopt the Centers for Independent Living Act and the Personal Care Assistance Services Act.
259A Appropriation Bill.
260 Adopt the Engineers and Architects Regulation Act.
260A Appropriation Bill.
323* Adopt the Sexual Predator Act.
324 Change a penalty for sexual assault in the third degree.
450 Change provisions relating to the Health Care Certificate of Need Act.
451 Provide for contracts to review the quality of life of recipients of developmental disabilities services.
515* Require insurance coverage for necessary formulas and low-protein foods prescribed for treatment of inherited metabolic disease.
587** Adopt the Community-State Partnership Act, the Integrated Health Services Plan Act and change and eliminate the Managed Care Plan Act.
602* Change and eliminate provisions for service areas relating to municipal power suppliers.
609 State findings and intent relating to funding for mental health programs.

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| 638* | Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State. |
| 718* | Change provisions relating to instream water appropriations. |
| 778 | Adopt the Nebraska Archeological Resources Preservation Act. |
| 779 | Provide for the termination of a rental agreement due to a serious and clear danger. |
| 782 | Change provisions for qualification for certain medical programs and services. |
| 782A | Appropriation Bill. |
| 783 | Adopt the Medication Aide Act. |
| 841* | Provide for the responsibility for payment of costs of medical services for individuals who are arrested, detained, taken into custody or incarcerated. |
| 857* | Provide funding for capital construction projects at the University of Nebraska and Nebraska State Colleges and change distribution of the cigarette tax. |
| 860 | Create the Nebraska Commission on Jobs and Wages. |
| 870* | Provide revenue sources for the Affordable Housing Trust Fund. |
| 871 | Transfer duties relating to providing health and human services from counties to the state. |
| 949*** | Adopt the Department of Health and Human Services Tobacco Central Registry Act. |
| 1006* | Change provisions relating to early childhood education pilot project programs. |
| 1016 | State intent, define terms and provide criteria for credentialing of certain health care facilities. |
| 1017 | Change membership of certain city-county boards of health. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1038* | Provide for juvenile offender and victim mediation as an option in certain cases. |
| 1040* | Enact the Health and Human Services, Office of Juvenile Services Act. |
| 1041* | Change children-related provisions and conform state law to the federal Adoption and Safe Families Act of 1997. |
| 1052* | Change provisions relating to service by a municipally owned electric system or public power district. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1070*** | Adopt the Nebraska Health Care Trust Fund Act and the Native American Public Health Act. |
| 1070A | Appropriation Bill. |

1072* Change provisions of the Managed Care Patient Protection Act.
1073A Appropriation Bill.
1074 Provide a fee to fund the statewide trauma system.
1077 Change provisions relating to the Comprehensive Health Insurance Pool.
1078 Change eligibility provisions for medical assistance.
1079* Change consent filing provisions relating to adoption.
1083 Change juvenile commitment, placement, and expense allocation provisions.
1090 Prohibit use of powdered latex products.
1091* Change certified nurse midwife practice provisions.
1100* Provide for and change provisions relating to deferred maintenance, repair, renovation, and construction projects.
1101* Change provisions relating to the Nebraska Hall of Fame.
1146 Change mental health provisions for juveniles.
1162* Adopt insurance-related acts for health care credentialing, managed care, quality assessment, health carriers and utilization review.
1162A Appropriation Bill.
1173* Appropriate funds for construction of a center for excellence in electronics.
1194* Authorize health insurance benefits for temporary state employees.
1199* Provide for storm water facility construction and grants relating to the Antelope Creek valley.
1200* Change provisions relating to the Nebraska Tree Recovery Program.
1228* Adopt the Quality Education Accountability Act.
1229* Change eligibility criteria for educational funding and postsecondary education awards.
1244 Permit cremation of remains of indigent persons.
1266* Change felony, criminal attempt, and capital punishment provisions.
1267* Establish the Nebraska Family Assets and Savings Development Task Force.
1268* Change motor vehicle registration provisions.
1323 Appropriate funds to provide services to persons with developmental disabilities.
1324 Adopt the Native American Public Health Fund Act.
1354* Change provisions relating to behavioral health services, medication aides, and the remains of indigent persons.
1354A Appropriation Bill.

**WILLIAM R. WICKERSHAM**

**LB**
178* Provide for consolidation of counties and municipalities and creation of classified local governments.

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| 181* | Authorize local governments to levy payments in lieu of taxes for certain tax-exempt property. |
| 209* | Change provisions relating to "other actual receipts" under the Tax Equity and Educational Opportunities Support Act. |
| 231 | Provide for special interest license plates and change provisions relating to veterans license plates. |
| 280* | Prohibit same sex marriages. |
| 302* | Adopt the Counterfeiting Prevention and Trademark Protection Act. |
| 334* | Authorize the Nebraska Oil and Gas Conservation Commission to enter into contracts for appraisals of oil and gas interests. |
| 369* | Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists. |
| 394* | Provide funds for capital improvements for state colleges. |
| 465* | Adopt the Concealed Handgun License Act. |
| 500 | Require performance evaluations of the administrative head of certain agencies. |
| 566 | Require notice when an insurer discontinues or substantially reduces a line or subline of insurance. |
| 583* | Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator. |
| 583A | Appropriation Bill. |
| 640* | Provide for brand license plates. |
| 695* | Change provisions relating to county property tax relief and county criminal detention costs. |
| 726 | Change and eliminate conflict of interest provisions under the Political Accountability and Disclosure Act. |
| 780 | Change the operative date of Laws 1996, LB 1296, relating to county court jurisdiction. |
| 818 | Create district attorney and district public defender offices and districts. |
| 819 | Appropriate funds to the Game and Parks Commission for design of exhibits for the Prehistoric Prairies Discovery Center at Fort Robinson State Park. |
| 820 | Provide for creation of a state veteran cemetery system. |
| 820A | Appropriation Bill. |
| 823* | Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges. |
| 830* | Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur. |
| 933 | Exempt motorcycles used exclusively for agriculture from registration and operator's license requirements. |
| 934 | Change homestead exemptions based on disability. |
| 935 | Change procedures regarding preliminary requests for tax levies. |

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| 947* | Create the Task Force for the Nebraska State Radio Communication System. |
| 950* | Authorize and change administrative fees relating to garnishment. |
| 974* | Ratify the Emergency Management Assistance Compact. |
| 975* | Change public hearing provisions for proposed budget statements of political subdivisions. |
| 989*** | Change budget limits for political subdivisions and school districts. |
| 992* | Provide for treatment of leased employees for certain tax benefits. |
| 1008* | Change provisions relating to site and building fund levies for Class I school districts. |
| 1009 | Change provisions relating to certificates of number for motorboats. |
| 1015 | Update references to the Internal Revenue Code. |
| 1022* | Change penalties for minors obtaining alcoholic liquor. |
| 1025* | Change provisions relating to homestead exemption and individual disability exemptions. |
| 1032* | Change capital gains income tax provisions. |
| 1033* | Authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles. |
| 1041* | Change children-related provisions and conform state law to the federal Adoption and Safe Families Act of 1997. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1054 | Change a property tax levy provision. |
| 1059* | Authorize reciprocal interstate law enforcement agreements. |
| 1060 | Create the Commission on Intergovernmental Relations. |
| 1061* | Allow an income tax credit to married persons from self-employment earnings. |
| 1062* | Change income tax return filing requirements. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1069* | Change the number of county court and district court judges. |
| 1076 | Require actuarial analyses and reports for various public retirement systems. |
| 1076A | Appropriation Bill. |
| 1089* | Authorize creation of joint public agencies. |
| 1109* | Change the income tax rate schedules. |
| 1117* | Create a class of peace officer known as constable and provide powers and duties. |
| 1119* | Adopt the Mutual Finance Assistance Act. |
| 1120* | Change public safety provisions. |
| 1120A | Appropriation Bill. |

| | |
|---|---|
| 1121 | Change Tax Equity and Educational Opportunities Support Act calculations. |
| 1122 | Authorize counties to develop funds transfer systems. |
| 1123* | Change provisions relating to Class I school district budgets. |
| 1124* | Change state aid to education calculations. |
| 1136 | Create the County Property Tax Relief Fund. |
| 1148 | Provide for reorganization of agricultural and horticultural land valuation boards. |
| 1149 | Change occupation tax provisions. |
| 1152* | Provide for county interim zoning measures and powers. |
| 1154* | Adopt the Buffer Strip Act and change pesticide registration fees. |
| 1159* | Change state aid to education calculations relating to adjusted formula membership. |
| 1168* | Change provisions relating to agister's liens. |
| 1174A | Appropriation Bill. |
| 1190 | Change fuel tax collection, record-keeping and penalty provisions. |
| 1191A* | Appropriation Bill. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1197* | Change cost grouping provisions for state aid to schools. |
| 1212 | Change provisions relating to transfer of water rights by sale, lease or gift. |
| 1213 | Allow sale, lease or gift of water rights. |
| 1217* | Eliminate the office of county superintendent of schools. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1229* | Change eligibility criteria for educational funding and postsecondary education awards. |
| 1231* | Provide a property tax lid exemption for certain school building projects. |
| 1247* | Appropriate funds to school districts and local systems. |
| 1260 | Change State Tax Board membership and require the board to set tax rates. |
| 1263* | Authorize transfer of real property by affidavit under the Nebraska Probate Code. |
| 1270* | Provide duties for primary high school districts. |
| 1328* | Create the New Frontiers School Fund and provide for grants. |
| 1336* | Develop a mentor teacher program and change allocation of lottery proceeds. |
| **LR** | |
| 88* | Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals. |

## ERIC WILL

| LB | |
|---|---|
| 100* | Include newspaper carriers as employees for purposes of workers' compensation. |
| 125* | Provide an exemption of certain standards relating to elevators. |
| 127 | Redefine "occupational disease" for purposes of workers' compensation. |
| 178* | Provide for consolidation of counties and municipalities and creation of classified local governments. |
| 181* | Authorize local governments to levy payments in lieu of taxes for certain tax-exempt property. |
| 241* | Change provisions relating to prosecutions for sale of liquor to a minor. |
| 244* | Provide for a learned treatise exception to the rule against hearsay under the Nebraska Evidence Rules. |
| 245* | Provide employment duties for employers of injured employees. |
| 276* | Provide an income tax credit for earned income. |
| 302* | Adopt the Counterfeiting Prevention and Trademark Protection Act. |
| 323* | Adopt the Sexual Predator Act. |
| 341* | Adopt the Commission for the Blind and Visually Impaired Act. |
| 404* | Change the number of county court, district court, and separate juvenile court judges. |
| 447* | Change provisions relating to contracts for fire and ambulance service. |
| 458 | Change commencement provisions of certain product liability actions. |
| 492* | Provide an income tax credit for educational expenses. |
| 497* | Change provisions relating to school employee retirement for Class V school districts. |
| 512* | Change placement and transportation costs provisions relating to juveniles. |
| 512A | Appropriation Bill. |
| 585* | Change the number of members and districts of the Game and Parks Commission. |
| 732 | Change provisions relating to pickle cards played in conjunction with the conduct of bingo. |
| 766* | Adopt the Athlete Agent Registration and Accountability Act. |
| 846 | Provide for liquor license sanctions for certain violations occurring on licensed premises. |
| 848 | Change provisions for fingerprinting of job applicants by the State Racing Commission. |

| | |
|---|---|
| 909* | Provide for issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies. |
| 939* | Change investment and employment requirements under the Quality Jobs Act. |
| 954* | Authorize a state refund for increased property taxes imposed on homesteads. |
| 989*** | Change budget limits for political subdivisions and school districts. |
| 996 | Change provisions governing auction sales of used motor vehicles and trailers. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1051 | Provide for expungement of a record of conviction. |
| 1069* | Change the number of county court and district court judges. |
| 1095* | Provide the State Fire Marshal with duties relating to housing accessibility standards. |
| 1114* | Provide economic development incentives for workers. |
| 1128* | Change investment authority for trustees of certain pension systems. |
| 1141* | Create the Neighborhood Development Cash Fund. |
| 1189* | Provide for special education instruction in and use of braille. |
| 1215 | Provide a homestead exemption for all homesteads. |
| 1252 | Change the cigarette tax and its distribution. |
| 1253 | Exempt certain dams from construction requirements and waive state liability. |
| 1259* | Change enterprise zone association board provisions. |
| 1261 | Change liquor license suspension provisions. |
| 1262 | Change Nebraska Liquor Control Commission membership. |
| 1263* | Authorize transfer of real property by affidavit under the Nebraska Probate Code. |
| 1268* | Change motor vehicle registration provisions. |
| 1327* | Exempt certain transfers of telecommunications equipment from sales and use tax. |
| 1350 | Create the Nebraska High School Hall of Fame. |
| 1351 | Change Liquor Control Commission member and employee provisions. |
| **LR** | |
| 88* | Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals. |
| 304CA | Constitutional amendment to permit the Legislature to classify property for purposes of taxation. |

## JERRY D. WILLHOFT

| LB | |
|---|---|
| 465* | Adopt the Concealed Handgun License Act. |
| 1004* | Change restrictions on use of the Nebraska Resources Development Fund. |
| 1005* | Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice to complete collocation of law enforcement training facilities. |
| 1025* | Change provisions relating to homestead exemption and individual disability exemptions. |
| 1026* | Change the fee for tax certificates and deeds. |
| 1027* | Change provisions relating to disabled veteran license plates. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1030* | Change provisions relating to motor vehicle registration. |
| 1053* | Change provisions relating to the Rural Development Commission. |
| 1053A | Appropriation Bill. |
| 1063*** | Change provisions relating to medical assistance, health insurance pools, immunization, and health services availability. |
| 1112* | Require insurance coverage for mental health conditions. |
| 1138* | Appropriate funds for renewal, renovation, and construction projects at Peru State College. |
| 1141* | Create the Neighborhood Development Cash Fund. |
| 1196* | Adopt the Livestock Waste Management Act. |
| 1228* | Adopt the Quality Education Accountability Act. |
| 1229* | Change eligibility criteria for educational funding and postsecondary education awards. |
| 1247* | Appropriate funds to school districts and local systems. |
| 1278* | Change petroleum release claim procedures. |
| 1290* | Change Employment Expansion and Investment Incentive Act provisions relating to enterprise zones. |
| **LR** | |
| 317CA* | Constitutional amendment to authorize merger and consolidation by local governments. |

## KATE WITEK

| LB | |
|---|---|
| 24* | Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals. |
| 48* | Authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies. |
| 186 | Repeal the Nebraska Health Care Certificate of Need Act. |
| 203* | Eliminate a duty for sheriffs relating to the sex offenders. |

| | |
|---|---|
| 204* | Change registration duties and provide for disclosure and release of certain records relating to sex offenders. |
| 207* | Change provisions relating to grandparent visitation. |
| 219 | Eliminate provisions relating to the Nebraska Health Care Certificate of Need Act. |
| 280* | Prohibit same sex marriages. |
| 290 | Change a penalty for unauthorized use of a propelled vehicle. |
| 291 | Change certain penalties relating to gang-related crime. |
| 341* | Adopt the Commission for the Blind and Visually Impaired Act. |
| 350* | Define terms and provide for owner liability relating to firearm ranges. |
| 422*** | Change the definition of "aggravating circumstances." |
| 465* | Adopt the Concealed Handgun License Act. |
| 508* | Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997. |
| 606* | Provide for certain rights for crime victims. |
| 638* | Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State. |
| 792* | Provide for access to state public records and authorize fees. |
| 793* | Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units. |
| 932 | Allow state chartered credit unions equal powers as federal credit unions. |
| 959 | Change provisions relating to juvenile crime. |
| 964 | Change provisions relating to the order of the statewide general election ballot. |
| 972* | Change provisions relating to notice of a minor's abortion. |
| 977 | Provide for phonics instruction in schools. |
| 981* | Define "unborn person" and redefine "person" relating to homicide. |
| 1028*** | Change income tax provisions and eliminate a transfer of funds from the Cash Reserve Fund. |
| 1096* | Provide commitment procedures for sexually violent offenders. |
| 1104* | Change property tax and sales tax provisions and funding provisions. |
| 1116*** | Change income tax provisions and eliminate a transfer of cash reserve funds. |
| 1166* | Prohibit tattooing and body piercing on minors. |
| 1176*** | Adopt the Quality Work Force Academic Loan Program Act. |
| 1189* | Provide for special education instruction in and use of braille. |

1223* Change provisions relating to eligibility for medical assistance.
1300* Change classification of school district provisions.
1343 Change Class III school district board member election provisions.
1360* Prohibit school-based health clinics and pregnancy testing and require certain parental notification.

**LR**

3* Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA* Constitutional amendment to change provisions relating to legislative sessions.
314CA Constitutional amendment to prohibit discrimination based on race, sex, color, ethnicity or national origin in the operation of public employment, public education or contracting.
317CA* Constitutional amendment to authorize merger and consolidation by local governments.

**RON WITHEM**
**(Carryover bills by former senator)**

**LB**

14* Change provisions for salaries of the state officers.
525 Authorize salary stipends for incentive grant purposes under the State Lottery Act.
533 Provide for a special detainer action for a material and irreparable breach of a rental agreement under the Landlord and Tenant Act.

**LR**

1 Apply to Congress to convene a Constitutional Convention as a result of Initiative Measure 409 regarding term limits on Congress.
23CA Constitutional amendment to change salaries for members of the Legislature.

* With others.
** At the request of the Governor.
*** With others and at the request of the Governor.

## APPROPRIATIONS

| LB | |
|---|---|
| 889 | Provide for a study by the Department of Education relating to unification of programs for the Nebraska School for the Deaf and Nebraska School for the Visually Handicapped. |

## BANKING, COMMERCE AND INSURANCE

| LB | |
|---|---|
| 425 | Provide for charters for savings banks. |

## BUILDING MAINTENANCE

| LB | |
|---|---|
| 1080 | Change provisions of the Deferred Building Renewal Act. |
| 1081 | Create building renewal funds for state buildings. |

## BUSINESS AND LABOR

| LB | |
|---|---|
| 1362 | Appropriate funds for the payment of certain claims against the state. |
| 1363 | Disapprove certain claims against the state. |

## EDUCATION

| LB | |
|---|---|
| 1175 | Change provisions relating to schools. |
| 1258 | Prohibit certain school district reorganizations. |

## EXECUTIVE BOARD

| LB | |
|---|---|
| 892 | Revisor bill relating to school district energy efficiency loans. |
| 893 | Revisor bill to eliminate a definition relating to certain cities and villages. |
| 894 | Revisor bill to eliminate certain references under the Securities Act of Nebraska. |
| 895 | Revisor bill relating to water appropriations. |
| 896 | Revisor bill relating to ground water conservation districts. |
| 897 | Revisor bill relating to the the Housing Code Task Force. |
| 898 | Revisor bill relating to the Nebraska Trauma Systems Development Act. |
| 899 | Revisor bill relating to the Nebraska Highway-Rail Crossing Safety Committee. |
| 900 | Revisor bill to provide an operative date relating to the Nebraska Criminal Code. |
| 901 | Revisor bill to transfer a section relating to zoning. |
| 902 | Revisor bill to eliminate statutes found unconstitutional. |
| 903 | Revisor bill to eliminate certain chapter references relating to motor vehicles. |

904 Revisor bill to eliminate statutory references to the Special Education Accountability Commission.

## GENERAL AFFAIRS

LB

249 Change provisions relating to issuance of liquor licenses.
1002 Change provisions relating to bingo.
1044 Change State Lottery Act provisions.

## HEALTH AND HUMAN SERVICES

LB

1073 Change provisions relating to health and human services.

## LEGISLATIVE PROGRAM EVALUATION

LB

547 Provide a duty for the Board of Educational Lands and Funds.
548 Combine and eliminate sections relating to discrimination.
843 Change provisions relating to the Board of Educational Lands and Funds.

## NATURAL RESOURCES

LB

172 Provide for electronic issuance of licenses, permits, and stamps by the Game and Parks Commission.
297 Establish a standard for gasoline sold in Nebraska.
313 Change provisions relating to aquaculture, game and fur farming, dog training and controlled shooting areas.
699 Adopt the Propane Education and Research Act.
922* Transfer, amend, and repeal provisions relating to game and parks.
1023 Provide for conditional withdrawal from the Central Interstate Radioactive Waste Compact.
1209 Adopt the Livestock Waste Management Act and change geologist provisions.

## NEBRASKA RETIREMENT SYSTEMS

LB

1191 Change provisions relating to retirement.
1192 Change retirement plan provisions relating to funds, qualified domestic relations orders, records and fraudulent claims.
1313 Adopt the Uniform Management of Public Employee Retirement Systems Act.

## REVENUE

| LB | |
|---|---|
| 176 | Authorize a uniform or common levy for fire protection. |
| 177 | Authorize creation of county-municipal service districts and unified local governments. |
| 993 | Change Department of Revenue audit and record production provisions, credit of municipal tax proceeds and refund provisions. |
| 994 | Change property tax levy, property tax valuation and motor vehicle tax provisions. |
| 1153 | Change revenue and taxation provisions relating to property tax, personal property tax, refunds and liens. |
| 1174 | Change provisions relating to low-level radioactive waste studies, programs, and funds. |
| 1333* | Redefine "truck" for purposes of motor vehicle registration, fees, and taxes. |
| **LR** | |
| 45CA* | Constitutional amendment relating to motor vehicle taxes, local government merger and consolidation, taxation of governmental property, and townships. |

## TRANSPORTATION

| LB | |
|---|---|
| 309* | Change provisions relating to motor vehicle operator's licenses and driving under the influence. |
| 1057 | Change and eliminate provisions relating to driver's licenses and state identification cards and fees. |

## URBAN AFFAIRS

| LB | |
|---|---|
| 872 | Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act. |
| 876 | Adopt the Nebraska Housing Agency Act. |
| 1346 | Change provisions relating to dissolution of villages. |
| 1347 | Authorize use of wheelchair lift warning cones. |
| 1348 | Change handicapped parking provisions relating to designation of spaces, signs, permits, violations and infractions. |

* 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-FIFTH LEGISLATURE SECOND SESSION 1998

### Agriculture

Chairperson - Merton L. Dierks

| | | | | | |
|---|---|---|---|---|---|
| 189 | 262 | 967 | 1047 | 1168 | 1205 |
| 191 | 649 | 1045 | 1048 | 1172 | 1248 |
| 192 | 661 | 1046 | 1049 | 1193 | 1265 |
| 211 | | | | | |

### Appropriations

Chairperson - Roger R. Wehrbein

| | | | | | |
|---|---|---|---|---|---|
| 27 | 394 | 833 | 988 | 1107 | 1173 |
| 60 | 514 | 844 | 1005 | 1108 | 1183 |
| 63 | 645 | 857 | 1074 | 1110 | 1199 |
| 95 | 669 | 915 | 1081 | 1118 | 1200 |
| 164 | 673 | 924 | 1100 | 1138 | 1206 |
| 213 | 681 | 925 | 1105 | 1141 | 1323 |
| 214 | 799 | 976 | 1106 | 1158 | LR2CA |
| 349 | 824 | | | | |

### Banking, Commerce and Insurance

Chairperson - David M. Landis

| | | | | | |
|---|---|---|---|---|---|
| 376 | 849 | 1035 | 1112 | 1194 | 1251 |
| 425 | 868 | 1042 | 1128 | 1201 | 1277 |
| 436 | 907 | 1077 | 1145 | 1230 | 1282 |
| 515 | 932 | 1085 | 1162 | 1235 | 1307 |
| 566 | 978 | 1087 | 1164 | 1236 | 1315 |
| 731 | 979 | 1088 | 1178 | 1237 | 1318 |
| 739 | 985 | 1094 | 1179 | 1238 | 1320 |
| 800 | 1034 | 1111 | 1180 | 1245 | 1321 |

### Business and Labor

Chairperson - Chris Abboud

| | | | | | |
|---|---|---|---|---|---|
| 32 | 127 | 282 | 834 | 944 | 1294 |
| 38 | 171 | 470 | 860 | 983 | 1334 |
| 100 | 215 | 548 | 869 | 1010 | 1362 |
| 124 | 225 | 653 | 883 | 1075 | 1363 |
| 125 | 245 | 765 | 923 | 1255 | |

**Education**

Chairperson - Ardyce Bohlke

| | | | | | |
|---|---|---|---|---|---|
| 50 | 715 | 1050 | 1176 | 1270 | 1336 |
| 93 | 791 | 1082 | 1189 | 1276 | 1342 |
| 132 | 793 | 1103 | 1197 | 1280 | 1343 |
| 209 | 807 | 1121 | 1204 | 1285 | 1344 |
| 303 | 823 | 1123 | 1210 | 1300 | 1345 |
| 419 | 838 | 1124 | 1211 | 1301 | 1350 |
| 525 | 843 | 1133 | 1217 | 1302 | 1352 |
| 539 | 889 | 1134 | 1219 | 1303 | 1359 |
| 547 | 910 | 1159 | 1228 | 1304 | 1360 |
| 578 | 940 | 1160 | 1229 | 1314 | LR6CA |
| 629 | 977 | 1163 | 1240 | 1328 | LR42CA |
| 711 | 1006 | 1169 | 1247 | 1331 | LR308CA |
| 712 | 1008 | 1175 | 1258 | 1335 | LR319CA |
| 714 | 1031 | | | | |

**Executive Board**

Chairperson - George Coordsen

| | | | | | |
|---|---|---|---|---|---|
| 102 | LR3 | LR23CA | LR108 | LR313CA | LR320CA |
| LR1 | LR14CA | LR25CA | LR311CA | | |

**General Affairs**

Chairperson - Stan Schellpeper

| | | | | | |
|---|---|---|---|---|---|
| 45 | 534 | 928 | 1013 | 1097 | 1222 |
| 82 | 627 | 941 | 1022 | 1098 | 1241 |
| 120 | 732 | 999 | 1043 | 1113 | 1261 |
| 148 | 846 | 1001 | 1044 | 1182 | 1262 |
| 249 | 848 | 1002 | 1086 | 1216 | 1351 |
| 522 | | | | | |

**Government, Military and Veterans Affairs**

Chairperson - C. N. "Bud" Robinson

| | | | | | |
|---|---|---|---|---|---|
| 14 | 237 | 483 | 678 | 878 | 1053 |
| 33 | 252 | 500 | 709 | 905 | 1055 |
| 59 | 281 | 553 | 726 | 951 | 1059 |
| 64 | 321 | 574 | 767 | 964 | 1060 |
| 131 | 360 | 591 | 768 | 965 | 1068 |
| 160 | 361 | 607 | 776 | 974 | 1080 |
| 162 | 400 | 620 | 778 | 990 | 1093 |
| 177 | 417 | 621 | 805 | 995 | 1101 |
| 178 | 421 | 632 | 820 | 1007 | 1120 |
| 228 | 449 | 638 | 839 | 1020 | 1122 |

| | | | | | |
|---|---|---|---|---|---|
| 1129 | 1249 | 1330 | LR12CA | LR38CA | LR55CA |
| 1152 | 1254 | 1332 | LR13CA | LR41CA | LR58CA |
| 1167 | 1281 | 1341 | LR15CA | LR43CA | LR60CA |
| 1184 | 1295 | 1357 | LR28CA | LR52CA | LR306CA |
| 1243 | 1305 | LR5CA | LR29CA | LR53 | LR307CA |
| 1246 | 1319 | LR7CA | | | |

**Health and Human Services**

Chairperson - Don Wesely

| | | | | | |
|---|---|---|---|---|---|
| 65 | 369 | 757 | 953 | 1078 | 1181 |
| 83 | 375 | 762 | 968 | 1079 | 1223 |
| 92 | 450 | 782 | 1016 | 1090 | 1244 |
| 146 | 451 | 783 | 1017 | 1091 | 1257 |
| 186 | 472 | 803 | 1040 | 1095 | 1267 |
| 219 | 544 | 810 | 1041 | 1096 | 1271 |
| 243 | 587 | 842 | 1063 | 1130 | 1272 |
| 259 | 609 | 871 | 1066 | 1137 | 1324 |
| 260 | 619 | 912 | 1070 | 1140 | 1337 |
| 266 | 633 | 948 | 1072 | 1146 | 1339 |
| 340 | 692 | 949 | 1073 | 1165 | 1354 |
| 341 | 736 | 952 | | | |

**Judiciary**

Chairperson - Kermit A. Brashear

| | | | | | |
|---|---|---|---|---|---|
| 39 | 301 | 465 | 648 | 906 | 1021 |
| 41 | 302 | 467 | 674 | 917 | 1029 |
| 48 | 323 | 484 | 676 | 918 | 1038 |
| 87 | 324 | 490 | 695 | 919 | 1039 |
| 109 | 331 | 504 | 728 | 926 | 1051 |
| 134 | 350 | 507 | 730 | 936 | 1058 |
| 203 | 355 | 508 | 748 | 950 | 1065 |
| 204 | 358 | 511 | 751 | 958 | 1067 |
| 207 | 373 | 512 | 756 | 959 | 1069 |
| 218 | 383 | 528 | 760 | 960 | 1071 |
| 227 | 390 | 533 | 761 | 966 | 1083 |
| 233 | 391 | 536 | 766 | 969 | 1102 |
| 234 | 392 | 559 | 769 | 970 | 1115 |
| 235 | 404 | 560 | 777 | 972 | 1117 |
| 241 | 405 | 561 | 779 | 981 | 1127 |
| 244 | 422 | 562 | 780 | 984 | 1135 |
| 265 | 423 | 573 | 790 | 987 | 1139 |
| 280 | 438 | 593 | 818 | 997 | 1150 |
| 283 | 439 | 601 | 841 | 1003 | 1156 |
| 290 | 442 | 606 | 845 | 1011 | 1166 |
| 291 | 458 | 614 | 884 | 1012 | 1203 |
| 293 | 462 | 628 | 885 | 1018 | 1214 |

| | | | | | |
|---|---|---|---|---|---|
| 1218 | 1234 | 1274 | 1317 | LR19CA | LR88 |
| 1220 | 1242 | 1275 | 1349 | LR24CA | LR303CA |
| 1221 | 1250 | 1283 | 1353 | LR27CA | LR310CA |
| 1224 | 1263 | 1299 | 1356 | LR36CA | LR314CA |
| 1225 | 1266 | 1308 | LR16CA | LR59CA | LR321 |
| 1233 | 1273 | 1309 | LR18CA | | |

**Natural Resources**

Chairperson - Chris Beutler

| | | | | | |
|---|---|---|---|---|---|
| 135 | 499 | 616 | 703 | 1004 | 1208 |
| 155 | 501 | 654 | 704 | 1009 | 1209 |
| 172 | 516 | 655 | 705 | 1023 | 1212 |
| 208 | 518 | 656 | 707 | 1024 | 1213 |
| 297 | 540 | 664 | 718 | 1052 | 1232 |
| 313 | 549 | 667 | 744 | 1084 | 1253 |
| 316 | 552 | 679 | 819 | 1125 | 1278 |
| 329 | 571 | 682 | 830 | 1126 | 1284 |
| 334 | 579 | 683 | 866 | 1144 | 1310 |
| 356 | 580 | 684 | 867 | 1154 | 1322 |
| 395 | 584 | 699 | 921 | 1161 | 1326 |
| 416 | 585 | 700 | 922 | 1170 | 1355 |
| 428 | 594 | 701 | 956 | 1196 | LR54 |
| 473 | 602 | 702 | 963 | 1202 | LR326 |

**Nebraska Retirement Systems**

Chairperson - Ray Janssen

| | | | | | |
|---|---|---|---|---|---|
| 337 | 497 | 650 | 822 | 1076 | 1192 |
| 365 | 532 | 796 | 840 | 1191 | 1313 |
| 459 | | | | | |

**Revenue**

Chairperson - William R. Wickersham

| | | | | | |
|---|---|---|---|---|---|
| 20 | 496 | 934 | 993 | 1089 | 1153 |
| 24 | 583 | 935 | 994 | 1092 | 1155 |
| 84 | 668 | 939 | 1014 | 1099 | 1174 |
| 176 | 804 | 942 | 1015 | 1104 | 1177 |
| 181 | 870 | 943 | 1025 | 1109 | 1185 |
| 198 | 911 | 954 | 1026 | 1114 | 1186 |
| 276 | 913 | 955 | 1028 | 1116 | 1190 |
| 296 | 914 | 961 | 1032 | 1119 | 1195 |
| 306 | 916 | 971 | 1036 | 1131 | 1198 |
| 371 | 920 | 980 | 1037 | 1136 | 1215 |
| 409 | 929 | 982 | 1054 | 1142 | 1226 |
| 415 | 930 | 989 | 1061 | 1148 | 1227 |
| 492 | 931 | 992 | 1062 | 1149 | 1231 |

| | | | | | |
|---|---|---|---|---|---|
| 1239 | 1289 | 1296 | 1329 | LR37 | LR304CA |
| 1252 | 1290 | 1298 | 1333 | LR45CA | LR315CA |
| 1260 | 1291 | 1311 | 1361 | LR62CA | LR317CA |
| 1286 | 1292 | 1327 | | | |

**Transportation**

Chairperson - Curt Bromm

| | | | | | |
|---|---|---|---|---|---|
| 42 | 494 | 927 | 1000 | 1151 | 1279 |
| 72 | 556 | 933 | 1019 | 1157 | 1287 |
| 74 | 565 | 937 | 1027 | 1171 | 1297 |
| 104 | 603 | 945 | 1030 | 1187 | 1306 |
| 231 | 640 | 947 | 1033 | 1188 | 1312 |
| 239 | 694 | 957 | 1056 | 1207 | 1316 |
| 286 | 792 | 962 | 1057 | 1256 | 1325 |
| 300 | 801 | 973 | 1064 | 1264 | 1358 |
| 309 | 881 | 986 | 1132 | 1268 | LR31CA |
| 320 | 908 | 996 | 1143 | 1269 | LR44CA |
| 353 | 909 | 998 | 1147 | | |

**Urban Affairs**

Chairperson - D. Paul Hartnett

| | | | | | |
|---|---|---|---|---|---|
| 299 | 487 | 708 | 872 | 991 | 1340 |
| 318 | 502 | 763 | 876 | 1259 | 1346 |
| 319 | 521 | 825 | 938 | 1288 | 1347 |
| 427 | 611 | 826 | 946 | 1293 | 1348 |
| 447 | 637 | 836 | 975 | 1338 | LR309CA |
| 481 | 651 | 855 | | | |

# SUMMARY OF LEGISLATION

## NINETY-FIFTH LEGISLATURE
## SECOND SESSION
## 1998

**The following table shows the final disposition**

**Length 60 days**

Total Number of Bills Introduced, 95th Legislature: 1363
Total Number of Bills Introduced, 1st Session: 891
Total Number of Bills Introduced, 2nd Session: 472
Total Number of Carryover Bills, 1st Session: 390
Total Number of "A" Bills Introduced, 95th Legislature: 114
Total Number of "A" Bills, 1st Session: 75
Total Number of "A" Bills, 2nd Session: 39
Total Number of Carryover "A" Bills: 21
Total Number of Resolutions Introduced, 95th Legislature (including CA): 483
Total Number of Resolutions Introduced, 1st Session: 301
Total Number of Resolutions Introduced, 2nd Session: 182
Total Number of CA Resolutions Introduced, 95th Legislature: 67
Total Number of CA Resolutions Introduced, 1st Session: 53
Total Number of CA Resolutions Introduced, 2nd Session: 14
Total Number of Carryover Resolutions (including CA): 38
Total Number of CA Resolutions Passed, 95th Legislature: 10
Total Number of CA Resolutions Passed, 1st Session: 8
Total Number of CA Resolutions Passed, 2nd Session: 2
Total Number of Bills to Become Law, 95th Legislature: 426
Total Number of Bills to Become Law, 1st Session: 307
Total Number of Bills to Become Law, 2nd Session: 119

Approved by Governor (106):

| | | | | | |
|---|---|---|---|---|---|
| 33e | 369 | 799A | 904 | 1063 | 1158 |
| 59 | 376 | 822e | 922 | 1070e | 1162 |
| 63 | 395e | 822Ae | 924e | 1070Ae | 1162A |
| 109 | 404e | 834 | 924Ae | 1073e | 1173e |
| 204 | 404Ae | 892 | 939 | 1073Ae | 1174e |
| 204A | 422 | 893 | 988 | 1100e | 1174Ae |
| 218 | 497e | 894 | 989e | 1104e | 1180 |
| 225 | 532 | 895 | 1010 | 1104Ae | 1191 |
| 234 | 532A | 896 | 1015e | 1107e | 1191A |
| 299 | 611 | 897 | 1028 | 1110Ae | 1193 |
| 303e | 629 | 898 | 1035e | 1126 | 1209e |
| 306e | 632 | 899 | 1041e | 1126A | 1209Ae |
| 309e | 656e | 900e | 1041Ae | 1129e | 1219e |
| 309A | 699 | 901 | 1053e | 1134 | 1219Ae |
| 320 | 777 | 902 | 1053Ae | 1134A | 1228 |
| 320A | 799 | 903 | 1056e | 1138e | 1229e |

| | | | | | |
|---|---|---|---|---|---|
| 1259 | 1321e | 1333 | 1346 | 1354A | |
| 1266 | 1321Ae | 1333A | 1354e | 1362e | |

Line-item Veto (5):

| | | | | |
|---|---|---|---|---|
| 1063A | 1108e* | 1193A | 1228A | 1229A |

Returned by Governor Without Approval (6):

| | | | | | |
|---|---|---|---|---|---|
| 341e | 341Ae | 752A | 1175e | 1293e | 1293Ae |

Passed Notwithstanding Objections of Governor (8):

| | | | | | |
|---|---|---|---|---|---|
| 656A | 695A | 1120e | 1120Ae | 1161e | 1161Ae |
| 695 | 1110e | | | | |

Became Law Without Governor's Signature: 0.

Failed on Final Reading: 0.

Resolution CA Delivered to Secretary of State (2):
LR45CA LR303CA

Indefinitely Postponed (823):

| | | | | | |
|---|---|---|---|---|---|
| 14 | 120 | 208 | 276 | 350 | 436 |
| 20 | 124 | 209 | 280 | 353 | 438 |
| 24 | 125 | 211 | 281 | 355 | 439 |
| 24A | 125A | 213 | 282 | 356 | 442 |
| 27 | 127 | 214 | 283 | 358 | 447 |
| 32 | 131 | 215 | 286 | 360 | 449 |
| 38 | 132 | 219 | 290 | 361 | 450 |
| 39 | 134 | 227 | 291 | 365 | 451 |
| 41 | 135 | 228 | 293 | 371 | 458 |
| 42 | 146 | 231 | 296 | 373 | 459 |
| 45 | 148 | 233 | 297 | 375 | 462 |
| 48 | 155 | 235 | 300 | 383 | 465 |
| 50 | 160 | 237 | 301 | 390 | 465A |
| 60 | 162 | 239 | 302 | 391 | 467 |
| 64 | 164 | 241 | 313 | 392 | 470 |
| 65 | 171 | 243 | 316 | 394 | 472 |
| 72 | 172 | 244 | 318 | 400 | 473 |
| 74 | 176 | 245 | 319 | 405 | 481 |
| 82 | 177 | 249 | 321 | 409 | 483 |
| 83 | 178 | 249A | 323 | 415 | 484 |
| 84 | 181 | 252 | 324 | 416 | 487 |
| 87 | 186 | 259 | 329 | 417 | 490 |
| 92 | 189 | 259A | 331 | 419 | 492 |
| 93 | 191 | 260 | 334 | 421 | 494 |
| 95 | 192 | 260A | 337 | 423 | 496 |
| 100 | 198 | 262 | 340 | 425 | 499 |
| 102 | 203 | 265 | 340A | 427 | 500 |
| 104 | 207 | 266 | 349 | 428 | 501 |

| | | | | | |
|---|---|---|---|---|---|
| 502 | 601 | 705 | 810 | 913 | 967 |
| 504 | 602 | 707 | 818 | 914 | 968 |
| 507 | 603 | 708 | 819 | 915 | 969 |
| 508 | 603A | 709 | 820 | 916 | 970 |
| 511 | 606 | 711 | 820A | 920 | 971 |
| 512 | 607 | 712 | 823 | 921 | 972 |
| 512A | 609 | 714 | 824 | 923 | 973 |
| 514 | 614 | 715 | 825 | 925 | 974 |
| 515 | 616 | 718 | 826 | 926 | 975 |
| 516 | 619 | 726 | 830 | 927 | 976 |
| 518 | 620 | 728 | 833 | 928 | 977 |
| 521 | 621 | 730 | 836 | 929 | 978 |
| 522 | 627 | 731 | 838 | 930 | 979 |
| 525 | 628 | 732 | 839 | 931 | 980 |
| 528 | 633 | 736 | 840 | 932 | 981 |
| 533 | 633A | 739 | 841 | 933 | 982 |
| 534 | 637 | 744 | 842 | 934 | 983 |
| 536 | 638 | 748 | 843 | 935 | 984 |
| 539 | 640 | 751 | 844 | 936 | 985 |
| 540 | 645 | 756 | 845 | 937 | 986 |
| 544 | 648 | 757 | 846 | 938 | 987 |
| 547 | 649 | 760 | 848 | 940 | 990 |
| 548 | 649A | 761 | 849 | 941 | 991 |
| 548A | 650 | 762 | 855 | 942 | 992 |
| 549 | 651 | 763 | 857 | 943 | 993 |
| 552 | 653 | 765 | 860 | 944 | 994 |
| 553 | 654 | 766 | 866 | 945 | 995 |
| 556 | 655 | 766A | 867 | 946 | 996 |
| 559 | 661 | 767 | 868 | 947 | 998 |
| 560 | 664 | 768 | 869 | 948 | 999 |
| 561 | 667 | 769 | 870 | 949 | 1000 |
| 562 | 668 | 776 | 871 | 950 | 1001 |
| 565 | 669 | 778 | 872 | 951 | 1002 |
| 566 | 673 | 779 | 876 | 951A | 1003 |
| 571 | 674 | 780 | 878 | 952 | 1004 |
| 573 | 676 | 782 | 878A | 953 | 1005 |
| 574 | 678 | 782A | 881 | 954 | 1006 |
| 578 | 679 | 783 | 883 | 955 | 1007 |
| 579 | 681 | 790 | 884 | 956 | 1007A |
| 579A | 682 | 791 | 885 | 957 | 1008 |
| 580 | 683 | 792 | 889 | 958 | 1009 |
| 583 | 684 | 793 | 905 | 959 | 1011 |
| 583A | 692 | 796 | 906 | 960 | 1012 |
| 584 | 694 | 800 | 907 | 961 | 1013 |
| 585 | 700 | 801 | 908 | 962 | 1014 |
| 587 | 701 | 803 | 909 | 963 | 1016 |
| 591 | 702 | 804 | 910 | 964 | 1017 |
| 593 | 703 | 805 | 911 | 965 | 1018 |
| 594 | 704 | 807 | 912 | 966 | 1019 |

| | | | | | |
|---|---|---|---|---|---|
| 1020 | 1076A | 1132 | 1188 | 1243 | 1295 |
| 1021 | 1077 | 1133 | 1189 | 1244 | 1296 |
| 1022 | 1078 | 1135 | 1190 | 1245 | 1297 |
| 1023 | 1079 | 1136 | 1192 | 1246 | 1298 |
| 1024 | 1080 | 1139 | 1194 | 1247 | 1299 |
| 1025 | 1081 | 1140 | 1195 | 1248 | 1300 |
| 1026 | 1082 | 1141 | 1196 | 1249 | 1301 |
| 1027 | 1083 | 1142 | 1197 | 1250 | 1302 |
| 1029 | 1084 | 1143 | 1198 | 1251 | 1303 |
| 1030 | 1085 | 1144 | 1199 | 1252 | 1304 |
| 1031 | 1086 | 1145 | 1200 | 1253 | 1305 |
| 1032 | 1087 | 1146 | 1201 | 1254 | 1306 |
| 1033 | 1088 | 1147 | 1202 | 1255 | 1307 |
| 1034 | 1089 | 1148 | 1203 | 1256 | 1308 |
| 1036 | 1090 | 1149 | 1204 | 1257 | 1309 |
| 1037 | 1091 | 1150 | 1205 | 1258 | 1310 |
| 1038 | 1092 | 1151 | 1206 | 1260 | 1311 |
| 1039 | 1093 | 1152 | 1207 | 1261 | 1312 |
| 1040 | 1094 | 1153 | 1208 | 1262 | 1313 |
| 1042 | 1095 | 1154 | 1210 | 1263 | 1314 |
| 1043 | 1096 | 1154A | 1211 | 1264 | 1315 |
| 1044 | 1097 | 1155 | 1212 | 1265 | 1316 |
| 1045 | 1098 | 1156 | 1213 | 1267 | 1317 |
| 1046 | 1099 | 1157 | 1214 | 1268 | 1318 |
| 1047 | 1101 | 1159 | 1215 | 1269 | 1319 |
| 1048 | 1102 | 1160 | 1216 | 1270 | 1320 |
| 1049 | 1102A | 1163 | 1217 | 1271 | 1322 |
| 1050 | 1103 | 1164 | 1218 | 1272 | 1323 |
| 1051 | 1105 | 1165 | 1220 | 1273 | 1324 |
| 1052 | 1106 | 1166 | 1221 | 1274 | 1325 |
| 1054 | 1109 | 1167 | 1222 | 1275 | 1326 |
| 1055 | 1111 | 1168 | 1223 | 1276 | 1327 |
| 1057 | 1112 | 1169 | 1224 | 1277 | 1328 |
| 1058 | 1113 | 1170 | 1225 | 1278 | 1329 |
| 1059 | 1114 | 1171 | 1226 | 1279 | 1330 |
| 1060 | 1115 | 1171A | 1227 | 1280 | 1331 |
| 1061 | 1116 | 1172 | 1230 | 1281 | 1332 |
| 1062 | 1117 | 1176 | 1231 | 1282 | 1334 |
| 1064 | 1118 | 1176A | 1232 | 1283 | 1335 |
| 1065 | 1119 | 1177 | 1233 | 1284 | 1336 |
| 1066 | 1121 | 1178 | 1234 | 1285 | 1337 |
| 1067 | 1122 | 1179 | 1235 | 1286 | 1338 |
| 1068 | 1123 | 1181 | 1236 | 1287 | 1339 |
| 1069 | 1124 | 1182 | 1237 | 1288 | 1340 |
| 1071 | 1125 | 1183 | 1238 | 1289 | 1341 |
| 1072 | 1127 | 1184 | 1239 | 1290 | 1342 |
| 1074 | 1128 | 1185 | 1240 | 1291 | 1343 |
| 1075 | 1130 | 1186 | 1241 | 1292 | 1344 |
| 1076 | 1131 | 1187 | 1242 | 1294 | 1345 |

| | | | | | |
|---|---|---|---|---|---|
| 1347 | 1360 | LR14CA | LR31CA | LR55CA | LR309CA |
| 1348 | 1361 | LR15CA | LR36CA | LR58CA | LR310CA |
| 1349 | 1363 | LR16CA | LR37 | LR59CA | LR311CA |
| 1350 | LR1 | LR18CA | LR38CA | LR60CA | LR313CA |
| 1351 | LR2CA | LR19CA | LR41CA | LR62CA | LR314CA |
| 1352 | LR3 | LR23CA | LR42CA | LR88 | LR315CA |
| 1353 | LR5CA | LR24CA | LR43CA | LR108 | LR317CA |
| 1355 | LR6CA | LR25CA | LR44CA | LR304CA | LR319CA |
| 1356 | LR7CA | LR27CA | LR52CA | LR306CA | LR320CA |
| 1357 | LR12CA | LR28CA | LR53 | LR307CA | LR321 |
| 1358 | LR13CA | LR29CA | LR54 | LR308CA | LR326 |
| 1359 | | | | | |

Withdrawn (5):

| | | | | |
|---|---|---|---|---|
| 917 | 918 | 919 | 997 | 1137 |

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| | | | | | |
|---|---|---|---|---|---|
| LR305 | LR324 | LR331 | LR337 | LR342 | LR378 |
| LR316 | LR327 | LR332 | LR338 | LR343 | LR479 |
| LR318 | LR328 | LR333 | LR339 | LR345 | LR480 |
| LR322 | LR329 | LR334 | LR340 | LR346 | LR481 |
| LR323 | LR330 | LR335 | LR341 | LR368 | LR482 |

(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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## SECOND SESSION
## 1998

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1 Apply to Congress to convene a Constitutional Convention as a result of Initiative Measure 409 regarding term limits on Congress.
(Withem) ..... 59, 1983
2CA Constitutional amendment to require the Legislature to appropriate funds to political subdivisions for certain mandated programs.
(Coordsen) ..... 59, 479
3 Ratify the proposed balanced budget amendment to the U.S. Constitution.
(Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek, C. Peterson) ..... 59, 1983
5CA Constitutional amendment to change provisions relating to legislative sessions.
(Stuhr, Janssen, Robinson, Schrock, Vrtiska, Witek) ..... 60, 1983
6CA Constitutional amendment to require the Legislature to prescribe the qualifications for members of the State Board of Education.
(Robinson, Bohlke) ..... 61, 1983
7CA Constitutional amendment to change the percentage of petition signatures required for initiative and referendum measures.

(Schimek, Kristensen, Warner) ..... 62, 1983
12CA Constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.
(Warner, Kristensen, Withem) ..... 63, 1983
13CA Constitutional amendment to provide for legislative powers during periods of enemy attack, terrorist attack or natural disaster.
(Warner, Kristensen, Withem) ..... 65, 1983
14CA Constitutional amendment to create the Commission on Legislative Compensation and establish the salary and expenses of members of the Legislature.
(Warner, Kristensen, Withem) ..... 66, 1983
15CA Constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender.
(Kristensen, Warner, Withem, Schimek) ..... 67, 1983
16CA Constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.
(Kristensen, Warner, Withem) ..... 67, 1983
18CA Constitutional amendment to eliminate references to certain categories of special legislation.
(Kristensen, Warner, Withem) ..... 68, 1983
19CA Constitutional amendment to provide that rights granted by the Nebraska Constitution are not to be construed as limited by interpretations placed on similar provisions of the U.S. Constitution.
(Kristensen, Warner, Withem) ..... 69, 1983
23CA Constitutional amendment to change salaries for members of the Legislature.
(Withem) ..... 69, 1983
24CA Constitutional amendment to change a reference to the appellate court and eliminate certain references to county courts and judges.
(Kristensen, Warner) ..... 70, 1983
25CA Constitutional amendment to provide that the presiding officer shall sign bills and resolutions passed by the Legislature.
(Kristensen, Warner, Withem) ..... 71, 712, 1983
27CA Constitutional amendment to eliminate the constitutional provisions establishing the Board of Parole and eliminate the Board of Pardons.
(Withem, Kristensen, Warner) ..... 71, 1983
28CA Constitutional amendment to transfer a provision from Article XVII to Article III.
(Withem, Kristensen, Warner) ..... 72, 1983
29CA Constitutional amendment to repeal the requirement that printed copies of the Constitution be prefixed to books containing the laws of the state.

(Withem, Kristensen, Warner) ..... 72, 1983

31CA Constitutional amendment to eliminate references to the Public Service Commission and the Railway Commission.
(Brown, Engel, Warner) ..... 73, 488

36CA Constitutional amendment to eliminate certain contempt powers of the Legislature.
(Withem, Kristensen, Warner) ..... 73, 1983

37 Urge Congress to support HR1842 which recognizes problems created in competition between states in offering economic incentives.
(Kristensen) ..... 74, 1983

38CA Constitutional amendment to prescribe requirements for initiative and referendum petitions.
(Kristensen, Warner, Withem) ..... 75, 1983

41CA Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.
(Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem) ..... 76, 1983

42CA Constitutional amendment to eliminate a reference to public, private, denominational and parochial schools.
(Warner, Kristensen, Withem) ..... 77, 1983

43CA Change provisions relating to legislative confirmation of gubernatorial appointments.
(Warner, Kristensen, Withem) ..... 77, 1983

44CA Constitutional amendment to eliminate provisions relating to the Public Service Commission.
(Warner) ..... 79, 488

45CA Constitutional amendment relating to motor vehicle taxes, local government merger and consolidation, taxation of governmental property, and townships.
(Revenue Committee, Maurstad, Schimek) ..... 79, 420, 539, 556, 557, 767, 768, 770, 771, 777, 802, 813, 814, 825, 832, 838, 844, 846, 848, 893, 898, 899, 901, 939, 988, 992, 1021, 1124, 1125, 1128, 1130, 1228, 1229, 1909, 1920, 1927

52CA Constitutional amendment to eliminate provisions relating to county and township officers.
(Hillman, Brown, Engel, Maurstad, Robinson) ..... 86, 1983

53 Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.
(Schimek, Beutler, Robak, Vrtiska) ..... 87, 192, 1983

54 Propose an amendment to the U.S. Constitution relating to the protection of natural resources.
(Preister) ..... 88, 1983

55CA Constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.

(Withem, Kristensen, Warner) ..... 88, 1983
58CA Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive offices.
(Crosby) ..... 90, 1983
59CA Constitutional amendment to provide for disciplinary action against judges.
(Beutler) ..... 90, 1983
60CA Constitutional amendment to provide for recall of members of the Legislature.
(Kristensen) ..... 92, 1983
62CA Constitutional amendment to require revenue from certain taxes and fees be used for maintenance of roads.
(Maurstad) ..... 93, 908
88 Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.
(Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear .. 94, 1983
108 Encourage Congress to pass the proposed balanced budget amendment to the U.S. Constitution.
(Maurstad) ..... 94, 1983
302 Interim study to re-authorize the LR 282 Committee of 1997 to continue the study on gender and race equity.
(Wesely, Bruning, C. Peterson, Schimek, Wehrbein, Crosby, Bohlke, Chambers) ..... 155, 1625
303CA Constitutional amendment to change office, residence, and retention provisions for judges of certain courts.
(Abboud) ..... 155, 163, 294, 428, 744, 1583, 1584, 1707, 1746, 1823, 1824, 1843, 1937, 1942, 1953
304CA Constitutional amendment to permit the Legislature to classify property for purposes of taxation.
(Will) ..... 156, 185, 187, 505, 881
305 Congratulate Columbus Scotus Central Catholic High School and Coach John Peterson for the 1997 Class C-1 State High School Volleyball championship.
(Robak) ..... 166, 265, 287
306CA Constitutional amendment to authorize home rule charter counties.
(Brown) ..... 171, 187, 529, 805, 1983
307CA Constitutional amendment to require the Governor to allocate functions and administration of the executive branch subject to legislative disapproval.
(Kristensen) ..... 172, 187, 320, 737, 744
308CA Constitutional amendment to provide one appointive governing board for the state university and state colleges.
(Kristensen) ..... 174, 187, 430, 1983
309CA Constitutional amendment to authorize ownership arrangements and interests by governmental subdivisions

with other entities to provide housing for low income persons.
(Kristensen) ..... 177, 187, 347, 1983

310CA Constitutional amendment to provide for the retention of judges of the Supreme Court and Court of Appeals on a statewide basis.
(Kristensen) ..... 177, 187, 294, 428, 1983

311CA Constitutional amendment to change the length of legislative sessions.
(Kristensen) ..... 179, 187, 416, 522

312 Congratulate Dr. Tom Osborne on a successful football season and recognize for his years of service, support and commitment to the State of Nebraska.
(Wehrbein, Crosby, Elmer, Bruning, Landis, Brown, Witek, Brashear, Beutler, Stuhr, Robinson, Engel, Jensen, Maurstad, Robak, Vrtiska, Hartnett, Schellpeper, Bromm, Schimek, Jones, Schrock, Hilgert, Schmitt, Cudaback, Hudkins, Dierks, Willhoft, Preister, Lynch, Suttle) ..... 180

313CA Constitutional amendment to change the number of members of the Legislature.
(Jones) ..... 181, 187, 416, 712, 714, 1983

314CA Constitutional amendment to prohibit discrimination based on race, sex, color, ethnicity or national origin in the operation of public employment, public education or contracting.
(Witek) ..... 208, 231, 455, 712

315CA Constitutional amendment to provide for merger or consolidation of counties or other local governments.
(Hilgert, Janssen, Kiel, Suttle, Thompson, at the request of the Governor) ..... 233, 299, 506, 881

316 Extend sympathy to the family of George Buglewicz.
(Lynch) ..... 275, 326, 331

317CA Constitutional amendment to authorize merger and consolidation by local governments.
(Maurstad, Abboud, Bohlke, Brashear, Bromm, Brown, Bruning, Crosby, Cudaback, Dierks, Elmer, Engel, Hartnett, Hillman, Hudkins, Janssen, Jensen, Kristensen, Lynch, Matzke, Dw. Pedersen, D. Pederson, C. Peterson, Raikes, Robak, Schimek, Schmitt, Schrock, Stuhr, Suttle, Thompson, Tyson, Vrtiska, Wehrbein, Willhoft, Witek) ..... 348, 370, 506, 881

318 Congratulate Bellevue West High School on winning the 1997 Class A State Volleyball Championship.
(Hartnett, Bruning) ..... 366, 397, 400

319CA Constitutional amendment to provide for the election of trustees for the governing board of the state colleges.
(Vrtiska) ..... 371, 414, 430, 1983

320CA Constitutional amendment to authorize the Legislature to hire legal counsel.

(Beutler) ..... 378, 414, 416, 522
321 Provide for withdrawal of a proposed constitutional amendment relating to imprisonment for debt.
(Brashear) ..... 383, 414, 455, 744, 1983
322 Provide the East Chamber be officially known as the Warner Legislative Chamber.
(Coordsen, Crosby, Wesely, Kristensen, Raikes, Beutler, Brashear, Bromm, Bruning, Dierks, Engel, Hartnett, Hilgert, Janssen, Jensen, Jones, Landis, Lynch, Matzke, Maurstad, Dw. Pedersen, D. Pederson, Preister, Robinson, Schellpeper, Schrock, Vrtiska, Wehrbein, Wickersham, Willhoft, Bohlke, Brown, Hillman, Hudkins, C. Peterson, Stuhr, Suttle, Thompson ..... 468, 508, 527, 528, 533, 559
323 Extend sympathy to the family of A. James Ebel.
(Raikes, Wesely, Crosby, Landis, Schimek, Hudkins, Maurstad) ..... 577, 609, 630
324 Extend sympathy to the family of Robert L. Carlisle.
(Tyson) ..... 743, 783, 789
325 Congratulate the Grand Island Central Catholic Girls Basketball team for winning the Class C-1, District 6 championship.
(C. Peterson) ..... 777
326 Provide that the State of Nebraska supports the Attorney General and the Department of Water Resources regarding lawsuits concerning the Republican River Compact.
(Maurstad, Schrock, Elmer, Coordsen, Brashear, Wehrbein) ..... 794, 802, 833, 1396, 1707
327 Congratulate the Tekamah-Herman High School Academic Decathlon Team on winning the small school category of the Nebraska Academic Decathlon.
(Robinson) ..... 806, 940, 983
328 Congratulate the Hebron High School wrestling team for Class D State Championship.
(Coordsen) ..... 963, 1930, 1935
329 Congratulate the South Sioux City High School girls basketball team for Class B State Championship.
(Engel) ..... 991, 1930, 1935
330 Congratulate the Columbus Scotus Central Catholic High School girls' basketball team for Class C-1 state championship.
(Robak) ..... 999, 1930, 1935
331 Congratulate the Kearney High School wrestling team for Class A state championship.
(Kristensen) ..... 1006, 1930, 1935
332 Congratulate the Hildreth High School girls' basketball team for Class D-2 state championship.
(Schrock) ..... 1014, 1930, 1935
333 Congratulate the Omaha North High School girls' basketball team for Class A state championship.

(Lynch) ..... 1014, 1930, 1935
334 Congratulate the Falls City Sacred Heart girls' basketball team and volleyball team for Class D-1 state championships.
(Vrtiska) ..... 1022, 1930, 1935
335 Congratulate the Stromsburg/Osceola High School wrestling team for Class C state championship.
(Bromm, Stuhr) ..... 1057, 1930, 1935
336 Interim study of the inmate classification system used by the Department of Correctional Services.
(Dw. Pedersen) ..... 1058, 1625
337 Recognize the week of March 23-29, 1998 as Armed Services Vocational Aptitude Battery (ASVAB) 18/19 Career Exploration Program Week.
(Tyson, Hilgert, Brown) ..... 1058, 1236, 1252
338 Congratulate the Filley High School boys' basketball team for Class D-2 state championship.
(Maurstad) ..... 1079, 1930, 1935
339 Congratulate the Beatrice High School boys' basketball team for Class B state championship.
(Maurstad) ..... 1079, 1930, 1935
340 Proclaim April as Child Abuse Prevention Month in Nebraska.
(C. Peterson, Schmitt) ..... 1119, 1617, 1687
341 Congratulate the Johnson-Brock High School boys' basketball team for Class D-1 state championship.
(Vrtiska) ..... 1135, 1930, 1935
342 Congratulate the West Point Central Catholic High School boys' basketball team for Class C-2 state championship.
(Robinson) ..... 1150, 1930, 1935
343 Congratulate the Lincoln Northeast High School boys' basketball team for Class A state championship.
(Wesely, Landis) ..... 1194, 1930, 1935
344 Interim study of issues relating to juvenile justice.
(Suttle) ..... 1195, 1625
345 Congratulate the Sandy Creek High School Girls' basketball team on winning the Class C-2 state championship.
(Willhoft) ..... 1207, 1930, 1935
346 Extend sympathy to the family of Ken Peterson.
(Maurstad) ..... 1220, 1347, 1447
347 Interim study of the legal relationship between coaching and teaching assignments in the public schools.
(Beutler) ..... 1295, 1626
348 Interim study to examine the duties of the public defender.
(C. Peterson, Hartnett) ..... 1296, 1626
349 Interim study of the lop-off provision enacted in LB 806, 1997, relating to school district reorganization and school finance.

(C. Peterson, Hartnett, Robinson, Lynch, Preister, Janssen, Schmitt, Dw. Pedersen, Robak, Tyson, Witek) ..... 1297, 1626

350 Interim study of the application of Nebraska's tax programs to telecommunications and electronic commerce.
(Revenue Committee) ..... 1298, 1626

351 Interim study of the state sales tax base rate and administration.
(Revenue Committee, Brashear) ..... 1298, 1626

352 Interim study of the corporate and individual income tax.
(Revenue Committee) ..... 1299, 1626

353 Interim study of the collection of excise and sales or use tax on purchases of liquor and tobacco through mail order.
(Wickersham) ..... 1299, 1626

354 Interim study to examine new classifications of municipal law enforcement personnel.
(Wickersham, Brashear) ..... 1299, 1626

355 Interim study of the natural gas industry.
(Preister) ..... 1300, 1626

356 Interim study of mechanisms to encourage public-private partnerships to preserve the agricultural use of existing farmland.
(Wehrbein) ..... 1301, 1626

357 Interim study relating to the transfer of surface water.
(Wickersham) ..... 1303, 1626

358 Interim study to examine a number of child welfare issues.
(Matzke) ..... 1304, 1626

359 Interim study of criminal procedure statutes which provide courts collect obligations owed to the courts for costs resulting from orders or judgments in certain matters.
(Judiciary Committee, Wehrbein) ..... 1305, 1626

360 Interim study to consider whether Nebraska should enact the Uniform Child Custody Jurisdiction and Enforcement Act.
(Judiciary Committee) ..... 1305, 1626

361 Interim study to examine the doctrine of res ipsa loquitur relating to cases involving collision of motor vehicles with livestock.
(Judiciary Committee, Wehrbein) ..... 1306, 1627

362 Interim study relating to creating a separate juvenile division within the Attorney General's Office.
(Judiciary Committee) ..... 1306, 1627

363 Interim study of the requirements of the Administrative Procedure Act relating to promulgation of rules and regulations by the Department of Correctional Services.
(Judiciary Committee) ..... 1307, 1627

364 Interim study to examine teen court programs in Lancaster and Sarpy counties.

(Judiciary Committee) ..... 1307, 1627
365 Interim study to examine the issue of tax increment financing as a tool for economic development.
(Hartnett, Wickersham) ..... 1308, 1627
366 Interim study to examine creation of another cost grouping for calculating the needs component of the school equalization formula.
(Coordsen, Dierks) ..... 1316, 1627
367 Interim study to examine the area of motor fuel sales and tax collection enforcement.
(Wickersham, Landis) ..... 1317, 1627
368 Recognize the accomplishments of the Potter-Dix High School Odyssey of the Mind team.
(Matzke) ..... 1317, 1452, 1483
369 Interim study to examine the possibility of expanding or simplifying greenbelt or devising an alternative approach.
(Coordsen) ..... 1318, 1627
370 Interim study of the excise taxes on grain used as mortgage security for loans under federal price support programs.
(Schrock) ..... 1331, 1627
371 Interim study of the titling practices of the Department of Motor Vehicles.
(Schrock) ..... 1331, 1627
372 Interim study of local government financial reports and financial reporting statutes to determine the usefulness and impact.
(Wickersham, Wehrbein) ..... 1331, 1627
373 Interim study to examine ways the state may provide penalties and enforcement against aggressive driving or "road rage".
(Kiel) ..... 1355, 1627
374 Interim study to examine fees associated with the use of automatic teller machines.
(Kiel) ..... 1355, 1628
375 Interim study to examine creating a magnetic levitation (MAGLEV) train system between Omaha and Lincoln or other points.
(Kiel) ..... 1356, 1628
376 Interim study to examine ways to make schools a safe environment for both students and employees.
(Kiel) ..... 1356, 1628
377 Interim study to examine ways Nebraska can establish a hate crimes taskforce.
(Kiel) ..... 1357, 1628
378 Congratulate the Wahoo High School boys' basketball team for Class C-1 state championship.
(Bromm) ..... 1357, 1930, 1935
379 Interim study to examine the feasibility of the Small Farmer Tax Credit and other aspects of providing incentives.

(Schellpeper) ..... 1358, 1628
380 Interim study to consider creation of a Certified Safe Farm Program to reduce the rate of illness and injury in production agriculture.
(Schellpeper) ..... 1359, 1628
381 Interim study to examine economic development benefits of a welcome center in Nebraska.
(Schellpeper) ..... 1359, 1628
382 Interim study to review commercial drivers' license requirements, training, and testing procedures.
(Schellpeper) ..... 1360, 1628
383 Interim study to examine the implications of enacting LB 508, 1997, the Prison Litigation Reform Act.
(Bromm) ..... 1360, 1628
384 Interim study to investigate the underlying reasons for the higher incidence of preventable diseases among Native Americans.
(Dierks) ..... 1360, 1628
385 Interim study to develop legislation relating to alternative medical treatments.
(Dierks) ..... 1361, 1628
386 Interim study of the committee structure of the Nebraska Legislature.
(Wickersham, Kristensen, Coordsen, Will) ..... 1361, 1628
387 Interim study relating to charter schools.
(Bohlke) ..... 1362, 1629
388 Interim study to provide oversight as the Department of Roads carries out provisions of LB 255, 1997, the Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act.
(Transportation Committee) ..... 1362, 1629
389 Interim study to examine ways the state may provide financial support to both urban and small communities for neighborhood development projects.
(Kiel) ..... 1363, 1629
390 Interim study to examine the net effect of the Quality Jobs Act and Employment and Investment Growth Act on employment.
(Kiel, Wesely) ..... 1364, 1629
391 Interim study to examine ways the state may modify the Nebraska Rules of the Road to address the problem of aggressive driving or "road rage".
(Transportation Committee, Kiel) ..... 1365, 1629
392 Interim study to review LB 937, 1998, involving telemarketing fraud and telephone solicitations.
(Transportation Committee, Crosby) ..... 1366, 1629
393 Interim study relating to certificates of title for motor vehicles.

(Transportation Committee, Schrock) ..... 1366, 1629
394 Interim study of the structure and division of authority between the carrier enforcement division and other divisions of the State Patrol.
(Transportation Committee) ..... 1367, 1629
395 Interim study of the continued viability of highway construction and highway maintenance with respect to the reauthorization of the federal ISTEA legislation.
(Transportation Committee) ..... 1368, 1629
396 Interim study relating to retail liquor licenses.
(General Affairs Committee) ..... 1368, 1629
397 Interim study relating to Internet gaming activities.
(General Affairs Committee) ..... 1369, 1629
398 Interim study relating to charitable gaming activities.
(General Affairs Committee, C. Peterson) ..... 1370, 1629
399 Interim study relating to horseracing.
(General Affairs Committee) ..... 1370, 1630
400 Interim study relating to consumption of liquor by individuals under the age of twenty-one.
(General Affairs Committee) ..... 1373, 1630
401 Interim study of the method of allocating State Lottery Act revenue.
(General Affairs Committee, Bohlke) ..... 1373, 1630
402 Interim study of issues which affect affordable access to telecommunications and information technology under the federal Telecommunications Act of 1996.
(Transportation Committee) ..... 1374, 1630
403 Interim study of the enforcement powers of the Public Service Commission with respect to enforcement of interconnection agreements and access charges.
(Transportation Committee) ..... 1375, 1630
404 Interim study to monitor changes in the federal Telecommunications Act of 1996 and policies promulgated by the FCC.
(Transportation Committee) ..... 1375, 1630
405 Interim study to examine the high cost of automobile insurance and find alternatives to territorial rating.
(Preister) ..... 1376, 1630
406 Interim study of the legislative appropriations and budgeting process.
(Jensen, Coordsen) ..... 1376, 1630
407 Interim study of the State Scholarship Award Program, the Scholarship Assistance Program, and the Postsecondary Education Award Program.
(C. Peterson, Schellpeper, Willhoft, Hartnett, Lynch, Tyson, Kiel, Dierks, Dw. Pedersen, Wehrbein) ..... 1377, 1630
408 Interim study of the impact of the proposed resolution of the tobacco settlement and the federal cigarette tax increase on state program funding levels.

(Thompson, Brown, Kiel, Tyson, Hartnett, Engel, Dierks, Dw. Pedersen, Landis, Wesely, Robak, Hilgert, Bohlke) ..... 1378, 1630

409 Interim study of changes occurring in the profession of public accountancy.
(Landis) ..... 1379, 1630

410 Interim study to determine whether Nebraska should revise its statutes regarding banking and finance.
(Landis) ..... 1379, 1631

411 Interim study to determine whether Nebraska should revise its statutes regarding the filing system for the perfecting of liens and security interests.
(Landis) ..... 1379, 1631

412 Interim study whether Nebraska should adopt the Uniform Principal and Income Act (1997) in place of Nebraska's version of the 1962 act.
(Landis) ..... 1380, 1631

413 Interim study whether Nebraska should adopt the Revised Uniform Simultaneous Death Act.
(Landis) ..... 1380, 1631, 1927

414 Interim study whether Nebraska should adopt the Revised Uniform Testamentary Additions to Trusts Act.
(Landis) ..... 1380, 1631

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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

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Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem) ..... 12CA
Constitutional amendments: provide state reimbursement for election expenses relating to amendments (Robak) ..... 1007
Constitutional amendments: provide state reimbursement for election expenses relating to amendments (Robak) Appropriation bill ..... 1007A
Counties or other local governments: provide for merger or consolidation (Hilgert, Janssen, Kiel, Suttle, Thompson, at the request of the Governor) ..... 315CA
County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson) ..... 52CA
County courts and county court judges: eliminate certain references (Kristensen, Warner) ..... 24CA
Education, State Board of: require the Legislature to prescribe qualifications for members (Robinson, Bohlke) ..... 6CA
Executive branch: require the Governor to allocate functions and administration subject to legislative disapproval (Kristensen) ..... 307CA
Gubernatorial appointments to vacated executive state offices: require legislative approval (Crosby) ..... 58CA
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Housing for low income persons: authorize ownership arrangements by governmental subdivisions with other entities (Kristensen) ..... 309CA
Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem) ..... 38CA
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Judges: provide for disciplinary actions (Beutler) ..... 59CA
Legislative powers: provide for and eliminate during enemy attack, terrorist attack or natural disaster (Warner, Kristensen, Withem) ..... 13CA
Legislative session: change provisions for the convening date, the length and the date on which terms of members begin and end (Stuhr, Janssen, Robinson, Schrock, Vrtiska, Witek) ..... 5CA
Legislative Compensation, Commission on: create and provide for establishment of salary & expenses of members of the Legislature (Warner, Kristensen, Withem) ..... 14CA
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Legislature: change provisions relating to salaries (Withem) ..... 23CA
Legislature: change the length of legislative sessions (Kristensen) ..... 311CA
Legislature: eliminate certain provisions relating to contempt powers (Withem, Kristensen, Warner) ..... 36CA
Legislature: eliminate the privilege from arrest granted to members (Kristensen, Warner, Withem) ..... 16CA
Legislature: prohibit special legislation and eliminate references to certain categories of special legislation (Kristensen, Warner, Withem) ..... 18CA
Legislature: provide for recall of members (Kristensen) ..... 60CA
Legislature: provide the presiding officer shall sign bills and resolutions passed by the Legislature (Kristensen, Warner, Withem) .... 25CA

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Local governments: provide for mergers and consolidations (Maurstad, Abboud, Bohlke, Brashear, Bromm, Brown, Bruning, Crosby, Cudaback, Dierks, Elmer, Engel, Hartnett, Hillman, Hudkins, Janssen, Jensen, Kristensen, Lynch, Matzke, Dw. Pedersen, D. Pederson, C. Peterson, Raikes, Robak, Schimek, Schmitt, Schrock, Stuhr, Suttle, Thompson, Tyson, Vrtiska, Wehrbein, Willhoft, Witek) ..... 317CA
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Motor vehicles taxes, municipal tax rates, governmental property taxation and townships: change provisions (Revenue Committee, Schimek) ..... 45CA
Natural resources: propose an amendment to the U.S. Constitution relating to protection of natural resources (Preister) ..... 54LR
Number of members: provide increase (Jones) ..... 313CA
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Public Service Commission: eliminate provisions (Warner) ..... 44CA
Public Service Commission: eliminate references (Brown, Engel, Warner) ..... 31CA
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State colleges: provide for the election of trustees for the governing board and for student members to serve on the board (Vrtiska) ..... 319CA
Supreme Court: change residence and office requirements for the Chief Justice and the Judges (Abboud) ..... 303CA
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Certificated school employees: change provisions relating to contracts (Bromm, Engel, Jones, D. Pederson, Stuhr)..... 791
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Liability insurance: change provisions relating to procurement (Schimek)..... 376
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Constitutional amendments: provide state reimbursement for election expenses relating to amendments (Robak)..... 1007
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Counties and municipalities: provide for consolidation and creation of classified local governments (Wickersham, Coordsen, Kristensen, Warner, Hartnett, Schellpeper, Will)..... 178
County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson)..... 52CA
County board vacancies: change provisions (Abboud, Jensen)..... 1357
County comptroller: provide for establishment of in all counties (Hillman, Engel)..... 1249
County court jurisdiction: change provisions for the operative date of LB 1296, 1996 (Wickersham)..... 780
County court: change provisions for jurisdiction (Brashear)..... 559
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District attorney and district public defender offices and districts: create (Wickersham)..... 818
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Election commissioners: authorize certain counties to appoint (Bruning)..... 990
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County court: change provisions for jurisdiction (Brashear)..... 559
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County courts and county court judges: eliminate certain references (Kristensen, Warner)..... 24CA
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Deferred maintenance repair, renovation and construction projects at the state colleges and Univ. of Nebr.: provide (Lynch, Brown, Crosby, Engel, Hillman, Janssen, Kiel, Maurstad, D. Pederson, Raikes, Suttle, Vrtiska, Wehrbein, Wesely, Bruning)..... 1100
Higher Education Planning Team: create (Bohlke)..... 1285

POWER (See Public Power)

PRINCIPAL AND INCOME ACT OF 1997, UNIFORM
Adopt (Landis)..... 1235

PRISONERS AND PRISONS
Committed offenders: change provisions relating to authorized visitation or work release (Dw. Pedersen)..... 1221
Community furlough program: provide (Dw. Pedersen)..... 1356
Contraband for escape, introduction of: create the offense and provide a penalty (Brashear)..... 1012
Custody and maintenance: change provisions (Cudaback, D. Pederson, Wickersham)..... 695
Custody and maintenance: change provisions (Cudaback, D. Pederson, Wehrbein) Appropriation bill..... 695A
Health care and treatment: change provisions relating to costs and disciplinary restrictions and procedures (Brashear, at the request of the Governor)..... 769
Indeterminate sentences: change and provide provisions (Chambers)..... 405
Inmates, parolees and probationers: authorize to be undercover agents (Stuhr, Bromm, Hudkins, Witek)..... 48
Inmates: change provisions relating to disciplinary proceedings (Brashear)..... 1011
Inmates: change provisions relating to visitation (Dw. Pedersen)..... 87
Jails: provide first & second class cities, villages and certain counties maintain jails under Interlocal Cooperation agreements (Hartnett)..... 825
Medical services for individuals who are arrested, detained or incarcerated: provide for responsibility for payment of costs (Crosby, Wesely)..... 841
Parole: change provisions relating to procedures of the Board of Parole (Dw. Pedersen)..... 1065
Prisoners: change provisions for actions brought by prisoners and informally name the Nebr. Prison Litigation Reform Act of 1997 (Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek)..... 508
Rules and regulations relating to rights, privileges and opportunities of the inmates: provide for adopting and promulgating (Dw. Pedersen)... 761
Sexual assault of an inmate or parolee: provide for the offense (Chambers)..... 918
Sexual assault of an inmate or parolee: provide for the offense (Vrtiska)..... 1275

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PROPANE EDUCATION AND RESEARCH ACT
Adopt (Natural Resources Committee) ..... 699

PROPERTY (See Real Property; Personal Property)

PROPERTY TAX (See also Revenue and Taxation)
Assessment duties: authorize the reassumption of duties in certain counties (Hartnett) ..... 1289
Change provisions (Revenue Committee) ..... 1153
County Property Tax Relief Fund: create (Wickersham) ..... 1136
Homesteads: authorize a state refund for increased property taxes imposed on homesteads (Will, Jensen) ..... 954
Levies and property valuation: change provisions (Revenue Committee) .... 994
Levies: require a reduction in certain situations (Robak, Hilgert, Kiel) ..... 930
Levy: change a provision (Wickersham) ..... 1054
Local Option Property Tax Relief Committee: create (Janssen, at the request of the Governor) ..... 804
Personal property delinquency dates: change provisions (Cudaback) ..... 971
Preliminary requests for tax levies: change provisions relating to procedure (Wickersham) ..... 935
Prisoners: change provisions relating to custody and maintenance (Cudaback, D. Pederson, Wickersham) ..... 695
Prisoners: change provisions relating to custody and maintenance (Cudaback, D. Pederson, Wehrbein) Appropriation bill ..... 695A
Property tax relief: change Property Tax Reduction Incentive Fund transfers (Speaker Kristensen, at the request of the Governor) ..... 1105
Property Taxation, Division of: create (Revenue Committee) ..... 1174
Property Taxation, Division of: create (Wickersham) Appropriation bill ..... 1174A
Real property tax valuation: establish a limitation on increases (Landis, Hartnett, Jensen, Matzke, Dw. Pedersen, Preister, Suttle, Thompson, at the request of the Governor) ..... 1142
Real property: provide for valuation of recently sold real property for property tax purposes (Janssen) ..... 942
Replacement tangible personal property: provide for the manner of taxing (Schellpeper) ..... 84
Schools: provide a property tax lid exemption for certain school building projects (Wickersham, Bohlke) ..... 1231
Tax certificates and deeds: change provisions relating to fees (C. Peterson, Cudaback, Tyson, Willhoft) ..... 1026
Work-off programs: authorize (Landis) ..... 20
Worker recruitment: provide property tax exemption, grant and homestead exemption and change resident tuition requirements (Brown, Brashear, Hartnett, Thompson, Will) ..... 1114

PROPERTY TAX ADMINISTRATOR
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt) ..... 583
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill ..... 583A

PROPERTY TAXATION, DEPARTMENT OF
Create (Revenue Committee) ..... 1174
Create (Wickersham) Appropriation bill ..... 1174A

PSYCHOLOGISTS AND PSYCHOLOGY (See also Mental Health)
Hospital clinical privileges: change provisions (Schimek) ..... 92

PUBLIC ASSISTANCE
Community-State Partnership Act: adopt (Wesely, Withem, at the request of the Governor) ..... 587
Food stamp assistance: provide state-funded assistance for certain residents (Chambers) ..... 633
Food stamp assistance: provide state-funded assistance for certain residents (Chambers) Appropriation bill ..... 633A

Health care services: transfer duties relating to providing services from counties to the state (Wesely) ..... 871
Indigent persons: allow county boards the option of cremating the remains of indigent persons (Wesely) ..... 1244
Integrated Health Services Plan Act: adopt (Wesely, Withem, at the request of the Governor) ..... 587
Medical assistance: change provisions for eligibility (Wesely) ..... 1078
Medical assistance: change provisions for eligibility (Witek, Jensen) ..... 1223
Medical assistance: change provisions relating to qualification for certain programs and services (Wesely) ..... 782
Medical assistance: change provisions relating to qualification for certain programs and services (Wesely) Appropriation bill ..... 782A
Medical assistance: expand Medicaid coverage to include children under nineteen years of age (Beutler, Bohlke, Bromm, Brown, Coordsen, Crosby, Dierks, Elmer, Engel, Hartnett, Hilgert, Hillman, Janssen, Kiel, Landis, Lynch, Matzke, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Raikes, Robak, Schellpeper, Schimek, Schmitt, Schrock, Suttle, Thompson, Vrtiska, Wehrbein, Wesely, Wickersham, Willhoft, at the request of the Governor) ..... 1063
Medical assistance: expand Medicaid coverage to include children under nineteen years of age (Beutler) Appropriation bill ..... 1063A
Medical care: provide qualified immunity for certain providers at free clinics (Crosby) ..... 614
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) ..... 340
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) Appropriation bill ..... 340A
Personal care aides: provide increase in the minimum wage rates for certain aides (Lynch) ..... 1130
Public defender: provide duties regarding indigent persons involved in proceedings under the Juvenile Code (C. Peterson) ..... 1003
Welfare reform: change work experience and employment provisions (Hilgert) ..... 1257

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Elevators: provide an exemption of certain standards (Brown, Bromm, Bruning, Engel, Hartnett, Hudkins, Jensen, Jones, Kiel, Lynch, Maurstad, Dw. Pedersen, Robak, Robinson, Schmitt, Stuhr, Vrtiska, Wehrbein, Will) ..... 125
Elevators: provide an exemption of certain standards (Brown) Appropriation bill ..... 125A
Energy financing contracts: provide (Jensen, Maurstad) ..... 776
State agency purchases, vacant state buildings, building renewal and state personnel: change provisions (Landis) ..... 553
State Capitol: change provisions relating to the Nebraska Hall of Fame (Wesely, Landis) ..... 1101

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Employee buy-out programs: authorize (Brown, Maurstad) ..... 878
Employee buy-out programs: authorize (Brown) Appropriation bill ..... 878A
Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers) ..... 459
Management of Public Employees Retirement Systems Act, Uniform: adopt (Nebraska Retirement Systems Committee) ..... 1313
Retirement: change provisions for funds, qualified domestic relations orders, records and fraudulent claims (Nebraska Retirement Systems Committee) ..... 1192
Retirement: change provisions relating to contributions and investments (Crosby) ..... 337
Smoking in state buildings and vehicles: prohibit (Preister, Dierks, Hartnett, Jensen, Matzke, Robinson) ..... 375
State agencies: require performance evaluations of the administrative head of certain agencies (Wickersham, Warner) ..... 500
Temporary state employees: authorize certain health insurance benefits (Wesely, Schimek) ..... 1194

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PUBLIC EMPLOYEES RETIREMENT BOARD (See Retirement Board, Public Employees)

PUBLIC FUNDS DEPOSIT AND INVESTMENT REGULATION ACT
Adopt (Bromm, Kristensen, D. Pederson)..... 1318

PUBLIC HEALTH AND WELFARE (See also Health Care)
Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke)..... 132
Abortion: change provisions relating to notice of a minor's abortion (Witek, Dw. Pedersen)..... 972
Alcohol-related accidents: provide a duty for medical personnel to report to law enforcement officials (Brown)..... 1115
Athletic trainers: change provisions relating to practices allowed (Dw. Pedersen)..... 762
AIDS or HIV: require insurance coverage for certain drugs used in treatment (Suttle, Schimek)..... 849
Blind and Visually Impaired Act, Commission for the: adopt (Crosby, Lynch, Dw. Pedersen, Will, Witek, Preister)..... 341
Blind and Visually Impaired Act, Commission for the: adopt (Crosby) Appropriation bill..... 341A
Cancer: require insurance coverage for certain drugs used in treatment (Suttle, Schimek)..... 849
Centers for Independent Living Act: adopt (Wesely)..... 259
Centers for Independent Living Act: adopt (Wesely) Appropriation bill..... 259A
Certificate of need: change provisions (Wesely)..... 450
Certificate of Need Act, Nebraska Health Care: eliminate provisions (McKenzie, Witek)..... 186
Certificate of Need Act, Nebraska Health Care: eliminate provisions (Witek)..... 219
Certified nurse midwives: change provisions (Wesely, Suttle)..... 1091
Change provisions (Health and Human Services Committee)..... 1073
Change provisions (Wesely) Appropriation bill..... 1073A
Children: change provisions for the placement of children in foster care and wards of the state (Hartnett)..... 1345
Children: expand Medicaid coverage to include children under nineteen years of age (Beutler, Bohlke, Bromm, Brown, Coordsen, Crosby, Dierks, Elmer, Engel, Hartnett, Hilgert, Hillman, Janssen, Kiel, Landis, Lynch, Matzke, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Raikes, Robak, Schellpeper, Schimek, Schmitt, Schrock, Suttle, Thompson, Vrtiska, Wehrbein, Wesely, Wickersham, Willhoft, at the request of the Governor)..... 1063
Children: expand Medicaid coverage to include children under nineteen years of age (Beutler) Appropriation bill..... 1063A
Children: provide funding for children's health insurance (Wesely, Hillman, Matzke, Jensen, Maurstad, at the request of the Governor)..... 1070
Children: provide funding for children's health insurance (Wesely) Appropriation bill..... 1070A
City-county boards of health: change provisions for membership of certain boards (Wesely)..... 1017
Community-Based Neurobehavioral Rehabilitation Act: adopt (Lynch, Coordsen, Crosby, Hartnett, Stuhr)..... 803
Community-State Partnership Act: adopt (Wesely, Withem, at the request of the Governor)..... 587
Comprehensive Health Insurance Pool: change provisions (Landis)..... 1035
Comprehensive Health Insurance Pool: change provisions (Wesely)..... 1077
Controlled substances, schedule of: change provisions (Kristensen)..... 373
Controlled substances: restrict the dispensing of certain substances (Dw. Pedersen)..... 472
County medical facility: permit a board of trustees to have seven members (Schmitt)..... 965
Court ordered placement of children: change provisions relating to costs of treatment and health care (Brashear, at the request of the Governor)..... 769
Developmental disabilities services: provide for contracts to review the quality of life and services (Wesely)..... 451

Developmental disability services rate equity: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad, Brown, Dierks, Engel, Schrock, Preister, Crosby, Stuhr, Jones, Lynch)..... 915
Diabetes: require insurance coverage for equipment, supplies, medication and education (Schimek, Dierks, Janssen, Matzke, Preister, Stuhr, Suttle, Thompson)..... 985
Dialysis drugs and devices: change provisions relating to the sale or purchase (Thompson)..... 1339
Drug product selection: prohibit for certain products (Robak)..... 1165
DNA analysis: provide for confidentiality and ownership of analysis results (Brown, Dw. Pedersen, Schimek)..... 266
E. Coli: appropriate funds to the University of Nebr. for research and study (Wehrbein)..... 1206
Environmental Lead Hazard Control Act: rename and define and redefine terms (Beutler, McKenzie)..... 579
Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie) Appropriation bill..... 579A
Excellence in Health Care Advisory Council: create (Wesely, Hillman, Matzke, Jensen, Maurstad, at the request of the Governor)..... 1070
Excellence in Health Care Advisory Council: create (Wesely) Appropriation bill..... 1070A
Experimental or nontraditional practice or therapy: prohibit disciplinary action based solely on practices (Schmitt, Dierks)..... 146
Fire, health and safety officials: authorize issuance of citations in lieu of arrest (Brown, Hilgert, Kiel)..... 109
Funeral establishments: change provisions (Dierks)..... 953
Gas furnace inspections of certain residential and commercial structures by utilities or gas companies: provide (Janssen, Hartnett)..... 708
Health care facilities: state intent, define terms and provide criteria for credentialing certain facilities (Wesely)..... 1016
Health records: require health care providers and facilities to provide certain records without charge ()..... 1137
Health Care Professional Credentialing Verification Act: adopt (Landis, Wesely)..... 1162
Health Care Professional Credentialing Verification Act: adopt (Wesely) Appropriation bill..... 1162A
Health Carrier Grievance Procedure Act: adopt (Landis, Wesely)..... 1162
Health Carrier Grievance Procedure Act: adopt (Wesely) Appropriation bill..... 1162A
Health Infrastructure Trust Fund. Nebr.: create (Wesely, Hillman, Matzke, Jensen, Maurstad, at the request of the Governor)..... 1070
Health Infrastructure Trust Fund. Nebr.: create (Wesely) Appropriation bill..... 1070A
Housing Agency Act, Nebr.: adopt (Urban Affairs Committee)..... 876
HIV home collection kits: require certain labels (Dierks)..... 619
Immunization information: provide for exchange of information between health care professionals, facilities and departments (Brown, Jensen)... 948
Indigent persons: allow county boards the option of cremating the remains of indigent persons (Wesely)..... 1244
Inmates: change provisions relating to costs of treatment and health care (Brashear, at the request of the Governor)..... 769
Insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad, Schimek)..... 914
Integrated Health Services Plan Act: adopt (Wesely, Withem, at the request of the Governor)..... 587
Joint disorders: require health insurance coverage for certain joint disorders (Crosby)..... 800
Juveniles: change mental health provisions (Wesely)..... 1146
Laetrile: authorize use under certain circumstances (Dierks, Schmitt)..... 952
Latex glove products, powdered: prohibit (Wesely)..... 1090
License renewal and disciplinary actions: require the Director of Regulation and Licensure to attend certain proceedings (Schmitt)..... 968
Managed Care Patient Protection Act: change provisions (Wesely, Matzke)..... 1072
Managed Care Patient Protection Act: rename (Landis, Wesely)..... 1162

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Managed Care Patient Protection Act: rename (Wesely) Appropriation bill ..... 1162A
Managed Care Plan Network Adequacy Act: adopt (Landis, Wesely) ..... 1162
Managed Care Plan Network Adequacy Act: adopt (Wesely) Appropriation bill ..... 1162A
Marriage and family therapists: change provisions for certification requirements (Maurstad) ..... 1181
Medical assistance: change provisions for eligibility (Wesely) ..... 1078
Medical assistance: change provisions for eligibility (Witek, Jensen) ..... 1223
Medical assistance: change provisions relating to qualification for certain programs and services (Wesely) ..... 782
Medical assistance: change provisions relating to qualification for certain programs and services (Wesely) Appropriation bill ..... 782A
Medical care: provide qualified immunity for certain providers at free clinics (Crosby) ..... 614
Medical records: require health care providers to furnish a patient's medical records to the patient (Coordsen) ..... 544
Medical services for individuals who are arrested, detained or incarcerated: provide for responsibility for payment of costs (Crosby, Wesely) ..... 841
Medication Aide Act: adopt (Wesely) ..... 783
Mental health care: provide rights for patients (Robak) ..... 243
Mental health conditions: require insurance coverage (Robak, Brown, Crosby, Dierks, Hilgert, Hillman, Janssen, Kiel, Preister, Dw. Pedersen, Schimek, Schmitt, Suttle, Thompson, Willhoft) ..... 1112
Mental health programs: state findings and intent relating to funding (Wesely) ..... 609
Mental health regions: prohibit from being direct service providers (Dw. Pedersen) ..... 1066
Mental health services: state intent and provide for psychiatric or psychosocial rehabilitation (Robak) ..... 736
Mental illnesses: require insurance coverages for serious illnesses (Robak, Chambers, Hillman) ..... 83
Mental Health Access Act: adopt (Wesely, Tyson, Bohlke, Robak) ..... 1354
Mental Health Access Act: adopt (Wesely) Appropriation bill ..... 1354A
Mental Health Commitment Act, Nebr.: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr) ..... 757
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) ..... 340
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) Appropriation bill ..... 340A
Metabolic diseases, inherited: require insurance coverage for necessary formulas and low-protein foods for treatment (Wesely, Crosby, Hilgert) ..... 515
Nail technology practitioners, establishments, and education: provide for regulation (Suttle) ..... 912
Native American Public Health Fund Act: adopt (Wesely) ..... 1324
Nursing facilities: provide grants for converting facilities to assisted-living facilities (Wesely, Hillman, Matzke, Jensen, Maurstad, at the request of the Governor) ..... 1070
Nursing facilities: provide grants for converting facilities to assisted-living facilities (Wesely) Appropriation bill ..... 1070A
Optometry: redefine the practice and authorize use of pharmaceutical agents by optometrists for treatment of glaucoma (Schrock, Coordsen, Dierks, Elmer, Engel, Hudkins, Jones, Preister, Schmitt, Stuhr, Wickersham, Hilgert, Wehrbein, Bruning) ..... 369
Parents of All Ages Program: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad) ..... 833
Partnership for Health & Human Services Act, Nebr.: state intent that the policy secretary report changes needed to LB1044A, 1996 (Wehrbein, Brown, Crosby, Engel, Hillman, Kiel, Lynch, Maurstad, D. Pederson) ..... 669
Partnership for Health and Human Services Act, Nebr.: provide legislative oversight for contracts (Hilgert) ..... 692
Personal care aides: provide increase in the minimum wage rates for certain aides (Lynch) ..... 1130

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Personal Care Assistance Services Act: adopt (Wesely)..... 259
Personal Care Assistance Services Act: adopt (Wesely) Appropriation bill..... 259A
Pharmacists: provide reimbursement by insurance companies (Coordsen).... 907
Pharmacy: change drug dispensing, labeling, and transfer requirements (C. Peterson)..... 1140
Psychologists: change provisions relating to hospital clinical privileges (Schimek)..... 92
Quality Assessment and Improvement Act: adopt (Landis, Wesely)..... 1162
Quality Assessment and Improvement Act: adopt (Wesely) Appropriation bill..... 1162A
Safe Drinking Water Act, Nebr.: provide for loans to public water supply systems (Beutler, Preister, at the request of the Governor)..... 518
School-based health clinics and pregnancy testing: prohibit and require certain parental notification (Dw. Pedersen, Crosby, Dierks, Engel, Hilgert, Jensen, Witek, Brashear)..... 1360
Services: transfer duties relating to providing services from counties to the state (Wesely)..... 871
Sexually violent offenders: provide commitment procedures (Abboud, Bromm, Jensen, Witek, Dw. Pedersen)..... 1096
Tattooing and body piercing: prohibit on minors (Stuhr, Crosby, Hudkins, Schimek, Suttle, Witek, Jensen)..... 1166
Temporary state employees: authorize certain health insurance benefits (Wesely, Schimek)..... 1194
Tobacco licenses: adopt the Dept. of Health and Human Services Tobacco Central Registry Act (Jensen, Preister, Schimek, Suttle, Wesely, at the request of the Governor)..... 949
Trauma system, statewide: provide fee for funding the system (Wesely)..... 1074
Trauma Systems Development Act, Nebr.: revisor bill to repeal provisions relating to a board (Executive Board)..... 898
Utilization Review Certification Act: rename (Landis, Wesely)..... 1162
Utilization Review Certification Act: rename (Wesely) Appropriation bill..... 1162A
Veterinarians: create a veterinarian-client privilege (Dierks)..... 191
Voluntary Physician Aid-In-Dying Act: adopt (Chambers)..... 997
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Abboud)..... 855
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Urban Affairs Committee)..... 872
Welfare reform: change work experience and employment provisions (Hilgert)..... 1257

PUBLIC INSTITUTIONS (See State Institutions)

PUBLIC LANDS
Educational Lands and Funds, Board of: change provisions relating to appraisals, leases and board duties (Legislative Program Evaluation Committee)..... 843
School lands: provide a duty for the Board of Educational Lands and Funds and change provisions for administrative costs (Legislative Program Evaluation Committee)..... 547
Tree recovery program: change provisions (Beutler)..... 1202
Tree Recovery Program, Nebr.: change provisions relating to grants (Wesely, Beutler, Crosby, Schimek)..... 1200

PUBLIC LETTINGS (See also Bids and Bidding)

PUBLIC OFFICERS (See State Officers)

PUBLIC POWER (See also Public Power Districts)
Electric utilities: state intent and provide requirements for reorganization, consolidation or merger (Beutler)..... 744
Electricity: require net billing for certain electricity generators (Schimek, Kiel, Preister)..... 501
Legislature: provide appropriations to the Legislative Council for a study of the consumer-owned electric industry in Nebraska (Beutler)..... 681

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Municipal electric utility: provide for the election of the board of directors in primary class cities (Coordsen, Schellpeper)..... 637
Municipally owned electric utilities: provide for merger (Coordsen, Schellpeper)..... 654
Natural gas contracts: authorize for certain cities (Hartnett)..... 1288
Public power districts: change and eliminate provisions for the sale or lease of equipment and property of the districts (Tyson)..... 499
Renewable energy sources: state intent and provide requirements for utility companies (Preister, Beutler, Hartnett)..... 867
Rural areas: state findings and authorize loans (Schellpeper)..... 329
Service areas: change and eliminate provisions (Beutler, Bohlke, Landis, C. Peterson, Preister, Wesely)..... 1052

PUBLIC POWER DISTRICTS (See also Public Power)
Municipal power suppliers: change and eliminate provisions relating to service areas (Beutler, Bohlke, Landis, C. Peterson, Wesely)..... 602
Powers of districts: change provisions (McKenzie)..... 580
Rural areas: state findings and authorize loans (Schellpeper)..... 329
Sale or lease of equipment and property of districts: change and eliminate provisions (Tyson)..... 499
Wind energy resources: provide for different rates, tolls, rent, or other charges (Hartnett, Dierks, Preister)..... 571

PUBLIC SERVICE COMMISSION
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Motor carriers: change provisions (Bromm, Coordsen, Dw. Pedersen, C. Peterson)..... 1056
Passenger carriers: change provisions for certification (Withem, Brown)..... 556
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Salary: change provisions (Warner, Withem)..... 14
Specialized telecommunications equipment: change provisions for eligibility criteria (Bruning, Lynch, Dw. Pedersen)..... 1147
Visually handicapped or legally blind persons: provide for certain services to be performed free or at a reduced rate (Crosby)..... 801

QUALITY ASSESSMENT AND IMPROVEMENT ACT
Adopt (Landis, Wesely)..... 1162
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QUALITY EDUCATION ACCOUNTABILITY ACT
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QUALITY JOBS ACT
Investment and employment requirements: change provisions (Brown, Brashear, Bruning, Coordsen, Dierks, Hartnett, Raikes, Thompson, Wehrbein, Will, Maurstad, Jensen, Schrock)..... 939

QUALITY WORK FORCE ACADEMIC LOAN PROGRAM ACT
Adopt (Bruning, Brashear, Kiel, Raikes, Schimek, Suttle, Thompson, Witek, Dw. Pedersen, at the request of the Governor)..... 1176
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Job applicants: change provisions for fingerprinting (Will)..... 848

RADIO
Task Force for the Nebraska State Radio Communication System: create (Tyson, Bromm, Hilgert, Wickersham)..... 947

RADIOACTIVE WASTE
Central Interstate Radioactive Waste Compact: provide for conditional withdrawal (Natural Resources Committee)..... 1023

Hazardous substances: define terms and provide liability for cleanup costs as a result of a hazardous substance emergency (Tyson)..... 748
Low-Level Radioactive Waste Compact, Central Interstate: withdraw Nebraska from the compact (Dierks, Preister, Schellpeper)..... 552

RAILROADS
First and second class cities and villages: prohibit railroads from obstructing highways (Wehrbein, Schimek)..... 1157
Highway-Rail Crossing Safety Committee, Nebr.: revisor bill to repeal provisions that terminated on Jan. 1, 1997 (Executive Board)..... 899

RAILWAY COMMISSION
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RANCHING (See also Farms and Farming)
Agricultural and horticultural land valuation boards and land manual areas: eliminate provisions (Stuhr, Coordsen)..... 1186
Agricultural and horticultural land: provide for reorganization of land valuation boards and change land manual areas (Wickersham)..... 1148
Agricultural or horticultural land: change greenbelt provisions relating to special valuation (Raikes, Engel, Hudkins, Maurstad, D. Pederson, Robinson, Hilgert, Brown, Abboud, Janssen, Witek, Jensen, Dw. Pedersen)..... 1104
Agricultural or horticultural land: change greenbelt provisions relating to special valuation (Raikes) Appropriation bill..... 1104A
Beginning Farmer Tax Credit Act: adopt (Schellpeper)..... 1296
E. Coli: appropriate funds to the University of Nebr. for research and study (Wehrbein)..... 1206
Erosion and sediment control: change provisions (Dierks)..... 1049
Farming or ranching activities: require reports of ownership of real estate (Dierks, Vrtiska)..... 211
Grain checkoffs: change provisions (Schrock, Bromm, Cudaback, Raikes, Stuhr, Vrtiska)..... 1172
Grain warehouses: include under the Right to Farm Act to offer protection from certain public or private nuisance actions (Dierks, Hudkins, Schellpeper, Schmitt, Schrock, Stuhr, Vrtiska)..... 1248
Hogs: adopt the Livestock Waste Management Act (Natural Resources Committee)..... 1209
Hogs: adopt the Livestock Waste Management Act (Beutler) Appropriation bill..... 1209A
Hogs: adopt the Livestock Waste Management Act (Bohlke, Beutler, Bromm)..... 1355
Hogs: adopt the Livestock Waste Management Act adopt (Schellpeper, Beutler, Bohlke, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jones, D. Pederson, Preister, Raikes, Robak, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Willhoft)..... 1196
Host Farm and Ranch Act, Nebraska: adopt (Dierks, Jones)..... 189
License plates: provide for brand license plates (Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham)..... 640
Livestock brands: change provisions (Schmitt, Dierks)..... 967
Livestock: change provisions relating to agister's liens (Dierks, Coordsen, Hudkins, Jones, Schellpeper, Schmitt, Wehrbein, Wickersham)... 1168
Livestock: provide highway and collision action restrictions (Wehrbein, Dierks, Hudkins, Jones, Schrock)..... 984
Meat and poultry inspection: state intent (Dierks, at the request of the Governor)..... 661
Motorcycles: exempt those used exclusively for agriculture from registration and driver's license requirements (Wickersham)..... 933
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Liquor licenses: change provisions relating to suspension (Will)..... 1261
Liquor licenses: provide for license sanctions for certain violations occurring on a licensed premises (Will)..... 846
Liquor: change provisions for sale and delivery of alcoholic liquor (Schellpeper)..... 1098
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Motor vehicles: change provisions governing auction sales of used motor vehicles and trailers (Will)..... 996
Retail liquor licenses: change provisions for suspension (Landis)..... 928
Retail liquor licenses: change provisions relating to penalties and suspension (Janssen, Hudkins, Vrtiska)..... 941
Retail liquor licenses: change provisions relating to suspension (Robak, Janssen)..... 1097
Retail liquor licenses: change provisions relating to the location of licensed premises (Robinson, Lynch)..... 45
Tobacco licenses: change provisions (Suttle, Dierks, Hartnett, Jensen, Matzke, C. Peterson, Preister, Thompson)..... 1058
Tobacco products: change provisions for licenses, products, minors, require posting of signs and provide penalties (Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson, Robak, Engel)..... 467
Tobacco: prohibit self-service merchandising and provide penalties (Suttle, Dierks, Hartnett, Jensen, Matzke, C. Peterson, Preister, Thompson)..... 1058

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Federal government pensions: provide an income tax adjustment (Hartnett, Bruning, Lynch, Robak, Schimek, Thompson)..... 1227
Federal governmental pensions: provide an income tax adjustment (Robak, Lynch, Schimek, Hartnett)..... 296
Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad, Stuhr, Jensen, Brown, Engel, Bromm, Hudkins, Vrtiska, Jones, Coordsen, Witek)..... 24
Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad) Appropriation bill..... 24A
Income tax credit for earned income: provide (Landis, Hartnett, Preister, Will)..... 276
Income tax credit for educational expenses: provide (Will, Hartnett, Hilgert, Preister)..... 492
Income tax credit: allow for certain political contributions (Schimek)..... 920
Income tax credit: provide for the Hope Scholarship Credit and Lifetime Learning Center (Kristensen)..... 1036
Income tax rate change and an adjustment to income: provide (Maurstad)..... 913
Income tax rate: change provisions (Warner, Coordsen)..... 198
Income tax: allow an income tax credit to married persons from self-employment earnings (Wickersham, Maurstad)..... 1061
Income tax: change a sales factor used to calculate income tax (Hartnett)..... 1286
Income tax: change income tax credit provisions relating to insurance (Landis)..... 1035
Income tax: change provisions and eliminate a transfer of cash reserve funds (Suttle, Brown, Bruning, Engel, Hilgert, Jensen, Maurstad, Robinson, Tyson, Witek, at the request of the Governor)..... 1116
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Income tax: change the credit for household and dependent care services (Landis) ..... 929
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Income tax: provide an adjustment for amounts paid for health insurance by self-employed individuals (Maurstad, Schimek) ..... 914
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Local option sales tax: provide for distribution of tax collected in community redevelopment areas (Warner, Coordsen, Hartnett) ..... 415
Receipts: provide a portion be credited to the School Aid Trust Fund (Coordsen) ..... 824
Sales tax rate: change provisions (Maurstad) ..... 916
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Circulars and advertising materials sold by any method offered by the Postal Service: exempt delivery charges from sales tax (Janssen, Cudaback, Tyson) ..... 1014
Clothing: provide an exemption for certain sales to nonprofit organizations (Brashear) ..... 1155
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Rates: change provisions (Warner, Coordsen) ..... 198
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Sales tax: authorize a local option sales tax for metropolitan class cities (Lynch, Kiel, Hartnett, Brashear, Janssen, Robinson, Thompson, Brown, Bruning) ..... 1099
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Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke) ..... 132
Absenteeism and truancy: provide for written policies (Thompson, Hilgert, Kiel, Suttle) ..... 1344
Accelerated or differentiated curriculum programs: provide funds (Bohlke, Abboud, Brashear, Brown, Hillman, D. Pederson, Raikes, Schimek, Schrock, Suttle, Wesely, Wickersham, Willhoft, Beutler) ..... 1229
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Assault on educational employees: provide for criminal penalties (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen) ..... 648
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Class I school district budgets: change provisions (Elmer) ..... 1169
Class I school district budgets: change provisions (Raikes) ..... 1280
Class I school districts: change provisions for budgets (Hudkins) ..... 1352
Class I school districts: change provisions for levy, budget, and transfer of land (Dierks, Coordsen, Schmitt, Tyson, Vrtiska, Jones) ..... 1331
Class I school districts: change provisions relating to site and building fund levies (Wickersham, Bromm) ..... 1008
Class III school districts: change provisions for election of board members (Witek) ..... 1343
Class V school districts: change provisions for employee retirement and name an act (Will, Brown, Hartnett, Hilgert, Kiel, Dw. Pedersen, Preister, Suttle, Withem) ..... 497
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Deaf and hard-of-hearing students: authorize regional services and provide standards for education (Kiel, Dw. Pedersen) ..... 1276
Early childhood education pilot project programs: change provisions (Brown, Wesely) ..... 1006
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Freeholders' petitions: change provisions (Coordsen) ..... 1160
High ability students: change provisions (Elmer) ..... 1240
High School Hall of Fame, Nebraska: create (Will) ..... 1350
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School district energy efficiency loans: eliminate certain provisions (Executive Board)..... 892
School district reorganization: change special election requirements (Janssen)..... 940
School employees: change provisions relating to hearing officers (Bohlke, McKenzie)..... 578
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School funding: change provisions relating to "other actual receipts" under the Tax Equity & Educational Opp. Support Act (Wickersham, Bohlke)..... 209
School lands: provide a duty for the Board of Educational Lands and Funds and change provisions for administrative costs (Legislative Program Evaluation Committee)..... 547
School nurses: require all school districts to employ (Suttle, Crosby, Robinson)..... 1163
School Aid Trust Fund: create (Coordsen)..... 824
School-based health clinics and pregnancy testing: prohibit and require certain parental notification (Dw. Pedersen, Crosby, Dierks, Engel, Hilgert, Jensen, Witek, Brashear)..... 1360
Site acquisition, construction of, or improvements to school buildings: change provisions relating to funding (Dierks)..... 1050
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State aid to schools: change provisions (Wickersham, Bohlke)..... 1124
State aid to schools: change provisions and create a fund (Bohlke)..... 1335
State aid to schools: change provisions for calculations under the Tax Equity and Educational Opportunities Support Act (Wickersham)..... 1121
State aid to schools: change provisions for cost groupings (Elmer, Stuhr)..... 1359

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State aid to schools: change provisions for payments (Bohlke)..... 1304
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State aid to schools: eliminate the minimum levy adjustment (Bromm)..... 1342
State aid to schools: provide for corrected state aid (Coordsen, Bohlke)..... 1211
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State aid to schools: redefine "special education allowance" (Maurstad)..... 1103
State aid to schools: change provisions relating to adjusted valuation (Coordsen, Bohlke)..... 1210
State aid: change provisions for distribution (Bohlke)..... 714
Student Freedom of Expression Act: adopt (Beutler)..... 539
Students: change provisions relating to discipline (Suttle, Beutler, McKenzie, C. Peterson)..... 838
Testing program for certain grade levels of students: require (Bohlke)..... 712
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Accelerated or differentiated curriculum programs: provide funds (Bohlke, Abboud, Brashear, Brown, Hillman, D. Pederson, Raikes, Schimek, Schrock, Suttle, Wesely, Wickersham, Willhoft, Beutler)..... 1229
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Class I school districts: change provisions relating to site and building fund levies (Wickersham, Bromm) ..... 1008
Class III school districts: change provisions for election of board members (Witek) ..... 1343
Class V school districts: change provisions for employee retirement and name an act (Will, Brown, Hartnett, Hilgert, Kiel, Dw. Pedersen, Preister, Suttle, Withem) ..... 497
Classification of school districts: change provisions (Witek, Dw. Pedersen) ..... 1300
Classification: change provisions for school districts (Crosby) ..... 629
Compulsory education: change provisions relating to age (Suttle) ..... 910
County superintendent of schools: eliminate provisions (Stuhr, Beutler, Bohlke, Brashear, Bromm, Raikes, Suttle, Wickersham) ..... 1217
Deaf and hard-of-hearing students: authorize regional services and provide standards for education (Kiel, Dw. Pedersen) ..... 1276
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Early childhood education pilot project programs: change provisions (Brown, Wesely) ..... 1006
Education Innovation Fund: change provisions (Bohlke) ..... 1303
Educational documents: prohibit falsifying and provide penalties (Hartnett) ..... 1242
Educational service units: change provisions for funding of core services (Hartnett, Bohlke, Wehrbein) ..... 1110
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Retirement: change provisions relating to annuity and age and exempt certain retirement expenditures from levy limits (Robinson, Brown, Crosby, Janssen, Lynch, Stuhr, Hillman, Hartnett)..... 822
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Testing program for certain grade levels of students: require (Bohlke)..... 712
Truancy: change provisions and provide for denial of eligibility for driver's licenses and permits (Brown)..... 438
Unified school systems: provide (Bohlke, Dierks, Stuhr, Suttle)..... 1219
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